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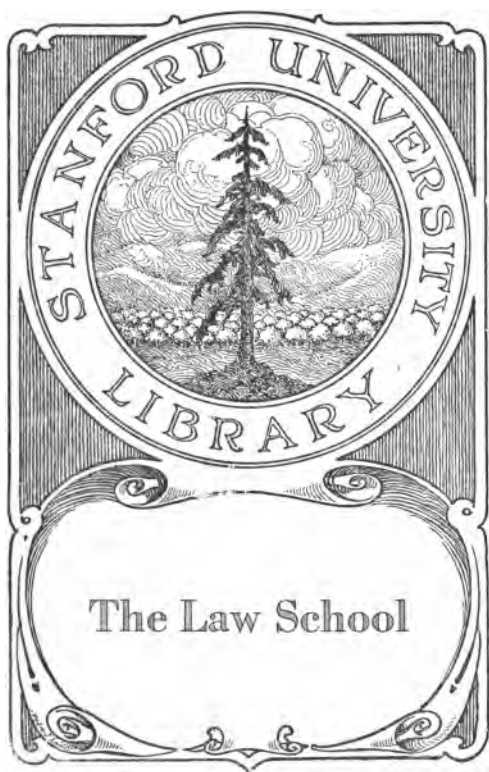
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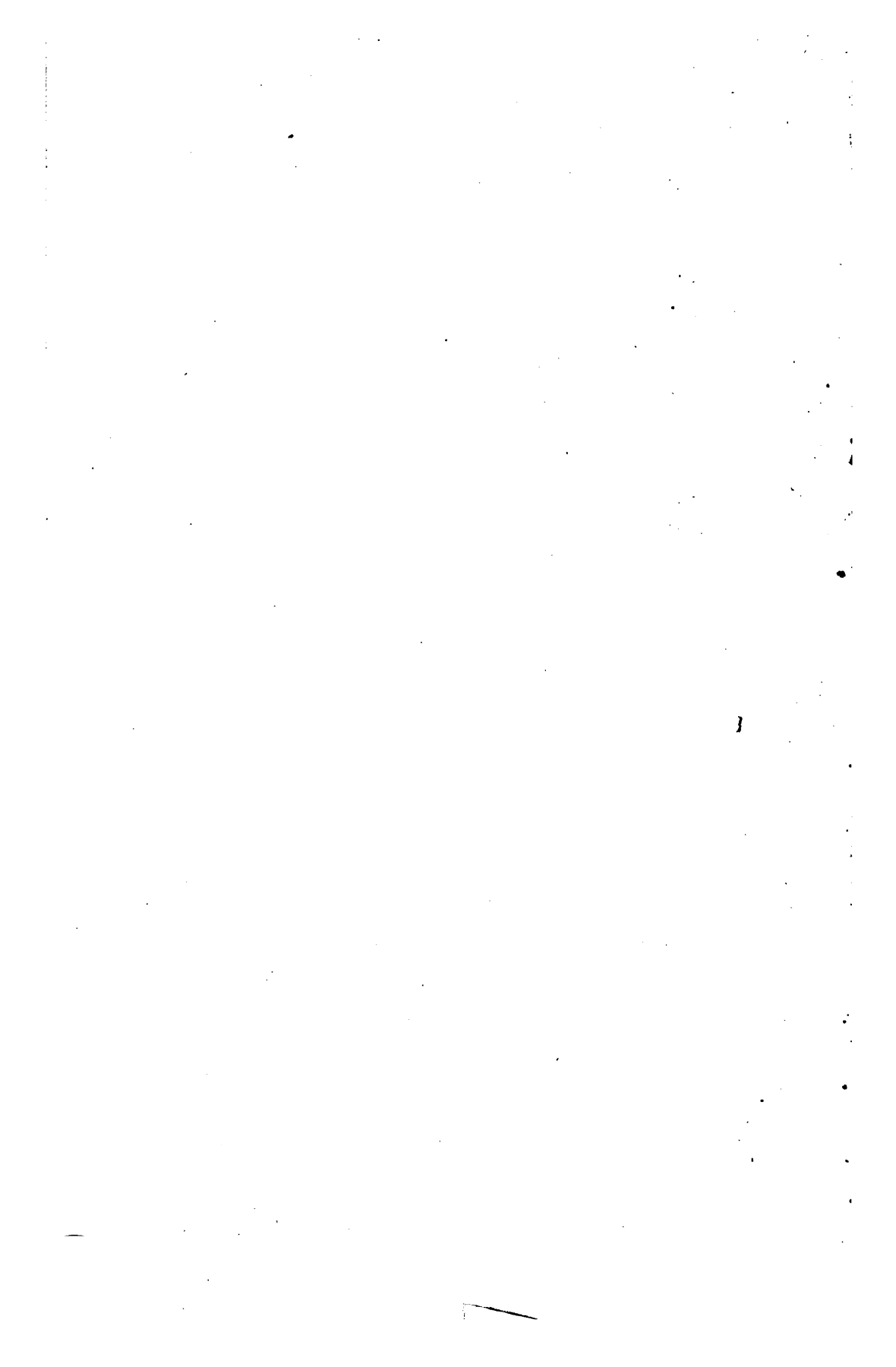
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June 1944



*Jno. F. Dillon..*  
**THE LAWS**

OF THE  
**STATE OF KANSAS,**

PASSED AT THE  
TENTH SESSION OF THE LEGISLATURE,  
COMMENCED AT THE  
STATE CAPITAL, ON TUESDAY, JANUARY, 11, 1870.

STATE OF KANSAS  
TOGETHER WITH

LISTS OF STATE OFFICERS AND MEMBERS AND OFFICERS OF BOTH BRANCHES OF THE  
LEGISLATURE, AND OFFICERS AND TERMS OF THE UNITED STATES DISTRICT  
AND CIRCUIT COURTS, AND JUDGES AND TERMS OF THE DISTRICT  
COURTS OF THE STATE OF KANSAS; ALSO, AMENDMENT  
TO THE CONSTITUTION OF THE UNITED STATES  
AND THE STATE OF KANSAS.

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**TOPEKA, KANSAS:**  
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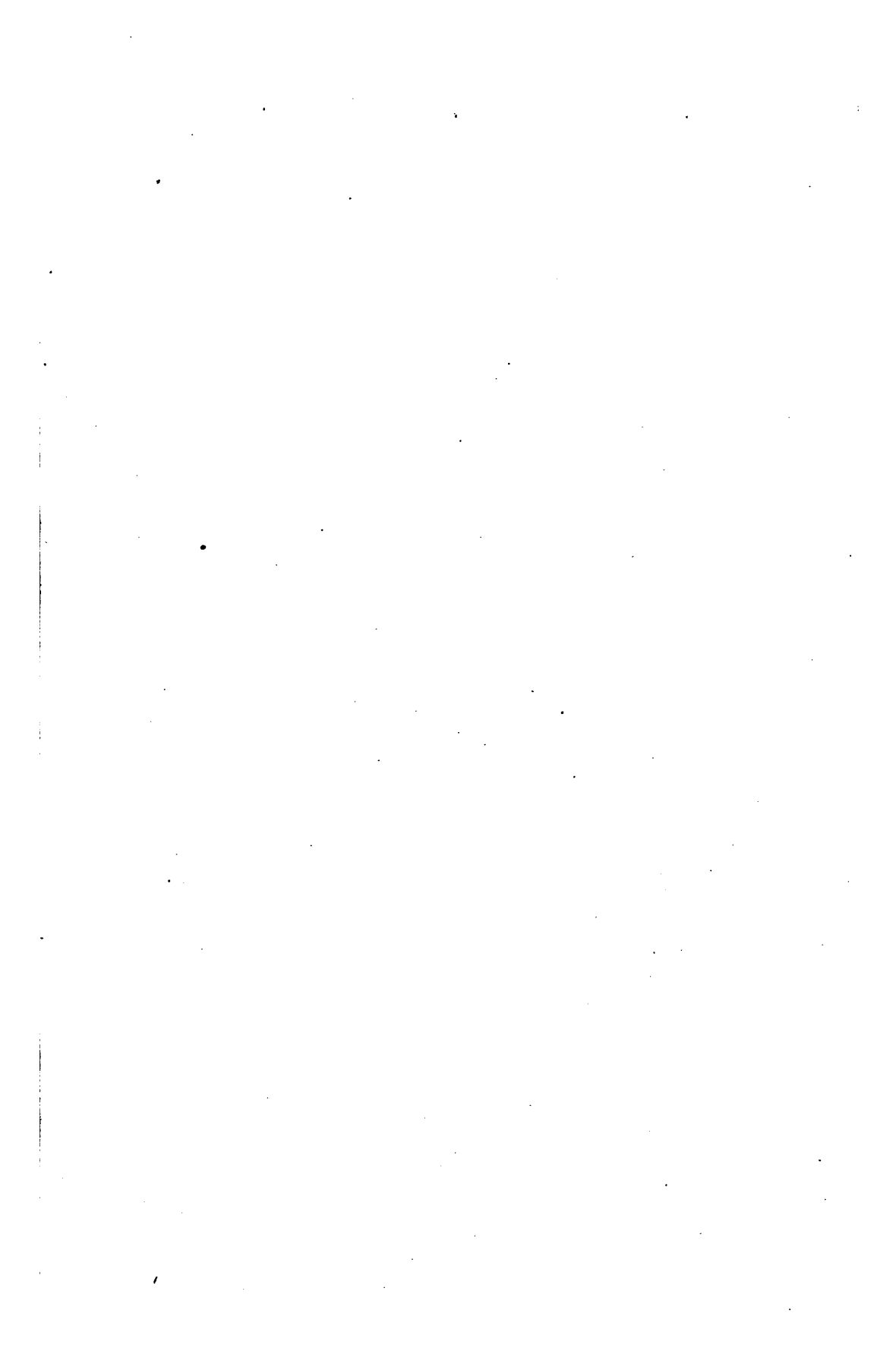
УЧАСТИЕ ОБОИ

### AUTHENTICATION.

I, Thomas Moonlight, Secretary of State of the state of Kansas, do hereby certify that the printed acts and resolutions contained in this volume are true and correct copies of the enrolled laws and resolutions on file in my office, which were passed at the regular session of the state legislature, held in the months of January, February and March, A. D. 1870, with the exception of the clerical errors appearing inclosed in brackets; and I further certify that all laws and resolutions contained in this volume, not taking effect from their publication in some newspaper as per certificate thereto annexed, shall take effect and be in force from and after the 12th day of May, A. D. 1870.

Given under my hand and seal of office, this 12th day  
[SEAL.] of May, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*





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# OFFICERS, JUDGES

## AND

### MEMBERS OF THE LEGISLATURE

#### OF THE

## STATE OF KANSAS FOR THE YEAR 1870.

#### STATE OFFICERS, SUPREME AND DISTRICT JUDGES.

| NAMES.                                                   | POSTOFFICE ADDRESS.     | COUNTY.          |
|----------------------------------------------------------|-------------------------|------------------|
| James M. Harvey, Governor.....                           | Fort Riley.....         | Riley.....       |
| O. V. Eskridge, Lieutenant Governor.....                 | Emporia.....            | Lyon.....        |
| Thomas Moonlight, Secretary of State.....                | Leavenworth.....        | Leavenworth..... |
| Addison Danford, Attorney General.....                   | Fort Scott.....         | Bourbon.....     |
| Peter McVicar, Superintendent of Public Instruction..... | Topeka.....             | Shawnee.....     |
| George Graham, State Treasurer.....                      | Seneca.....             | Nemaha.....      |
| A. Thoman, Auditor of State.....                         | Lawrence.....           | Douglas.....     |
| S. S. Prouty, State Printer.....                         | Topeka.....             | Shawnee.....     |
| David Whittaker, Adjutant General.....                   | Doniphan.....           | Doniphan.....    |
| S. A. Kingman, Chief Justice.....                        | Atchison.....           | Atchison.....    |
| Jacob Safford, Associate Justice.....                    | Topeka.....             | Shawnee.....     |
| D. M. Valentine, Associate Justice.....                  | Ottawa.....             | Franklin.....    |
| H. W. Ide.....                                           | 1 Leavenworth City..... | Leavenworth..... |
| Nathan Price.....                                        | 2 Troy.....             | Doniphan.....    |
| John T. Morton.....                                      | 3 Topeka.....           | Shawnee.....     |
| Owen A. Bassett.....                                     | 4 Lawrence.....         | Douglas.....     |
| J. H. Watson.....                                        | 5 Emporia.....          | Lyon.....        |
| D. P. Lowe.....                                          | 6 Mound City.....       | Linn.....        |
| John R. Goodin.....                                      | 7 Humboldt.....         | Allen.....       |
| William H. Canfield.....                                 | 8 Junction City.....    | Davis.....       |
| William R. Brown.....                                    | 9 Cottonwood Falls..... | Chase.....       |
| Hiram Stevens.....                                       | 10 Paola.....           | Johnson.....     |
| William C. Webb.....                                     | 11 Fort Scott.....      | Bourbon.....     |

Bersilla Gray, Judge Criminal Court Leavenworth County.

# 14 OFFICERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

## OFFICERS OF THE SENATE.

| NAMES.                                    | POSTOFFICE ADDRESS. | COUNTY.           |
|-------------------------------------------|---------------------|-------------------|
| George C. Crowther, Secretary.....        | Irving .....        | Marshall.....     |
| J. D. Gilchrist, Assistant Secretary..... | Oskaloosa.....      | Jefferson.....    |
| D. M. Bronson, Journal Clerk.....         | Hidomado.....       | Butler.....       |
| L. M. Benedict, Docket Clerk.....         | Vienna.....         | Pottawatomie..... |
| H. H. Carr, Engrossing Clerk.....         | Eudora.....         | Douglas.....      |
| N. Merchant, Sergeant-at-Arms.....        | Prairie City.....   | Franklin.....     |
| George W. Weed, Doorkeeper.....           | Pardee.....         | Atchison.....     |
| A. A. House, Assistant Doorkeeper.....    | Junction City.....  | Davis.....        |
| Edwin C. Eldridge, Page.....              | Lawrence.....       | Douglas.....      |
| William H. Fletcher, Page.....            | Erie.....           | Neosho.....       |
| William R. Griffith, Page.....            | Topeka.....         | Shawnee.....      |

## OFFICERS OF THE HOUSE OF REPRESENTATIVES.

| NAMES.                                              | POSTOFFICE ADDRESS. | COUNTY.           |
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| A. W. Hayes, Assistant Clerk.....                   | Topeka.....         | Shawnee .....     |
| H. Brandley, Journal Clerk.....                     | .....               | Johnson.....      |
| F. W. Watson, Docket Clerk.....                     | .....               | Coffey .....      |
| Miss Emma D. Campbell, Enrolling Clerk.....         | Topeka.....         | Shawnee.....      |
| H. H. Tucker, Engrossing Clerk.....                 | Lawrence.....       | Douglas.....      |
| Mrs. Sarah J. Neal, Assistant Engrossing Clerk..... | Atchison.....       | Atchison.....     |
| Geo. A. Schriener, Sergeant-at-Arms.....            | Wyandott .....      | Wyandott.....     |
| M. B. Crawford, Assistant Sergeant-at-Arms.....     | Topeka.....         | Shawnee.....      |
| A. H. Beck, Doorkeeper.....                         | Ottawa.....         | Franklin.....     |
| John Helwig, Assistant Doorkeeper.....              | .....               | Leavenworth ..... |
| Willie Davis, Messenger.....                        | Topeka.....         | Shawnee.....      |
| Ephie Smith, Messenger.....                         | Wyandott .....      | Wyandott.....     |
| Edward Matthews, Messenger.....                     | Leavenworth .....   | Leavenworth ..... |
| Thomas Parks, Messenger.....                        | Wyandott.....       | Wyandott.....     |

## MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

15

## MEMBERS OF THE SENATE.

| NAMES.                          | NO.<br>DIST. | POSTOFFICE ADDRESS.    | COUNTY.           |
|---------------------------------|--------------|------------------------|-------------------|
| BEKEDGER, C. V., President..... |              | Emporia .....          | Lyon.....         |
| Arrasmith, Abner.....           | 10           | Olathe .....           | Johnson.....      |
| Bailey, J. C.....               | 4            | Perryville.....        | Jefferson.....    |
| Broadhead, J. F.....            | 13           | Mound City.....        | Linn.....         |
| Carnahan, A. A.....             | 7            | Clyde.....             | Cloud.....        |
| Carpenter, John C.....          | 16           | Erie.....              | Neosho.....       |
| Cobb, Stephen A.....            | 12           | Wyandott .....         | Wyandott.....     |
| Fitzpatrick, W. H.....          | 8            | Topeka.....            | Shawnee.....      |
| Grimes, W. H.....               | 2            | Atchison .....         | Atchison.....     |
| Grover, O. J.....               | 6            | Savannah .....         | Pottawatomie..... |
| Jenkins, E. J.....              | 1            | Troy .....             | Doniphan.....     |
| Larimer, William.....           | 3            | Delaware Township..... | Leavenworth.....  |
| Learnard, O. E.....             | 9            | Lawrence .....         | Douglas.....      |
| Mead, James R.....              | 15           | Towanda .....          | Butler.....       |
| Murdock, M. M.....              | 18           | Burlingame.....        | Osage.....        |
| McKee, John.....                | 3            | Leavenworth .....      | Leavenworth.....  |
| Nicoolls, E. S.....             | 17           | Garnett.....           | Anderson.....     |
| Prescott, J. H.....             | 20           | Salina.....            | Saline.....       |
| Schmitt, Martin.....            | 3            | Leavenworth .....      | Leavenworth.....  |
| Smallwood, W. H.....            | 1            | Wathena .....          | Doniphan.....     |
| Snyder, S. J. H.....            | 2            | Monrovia .....         | Atchison.....     |
| Speer, A. G.....                | 5            | Hiawatha.....          | Brown.....        |
| Tucker, Edwin.....              | 19           | Eureka.....            | Greenwood.....    |
| Voss, M. V.....                 | 14           | Fort Scott.....        | Bourbon.....      |
| Williams, H. H.....             | 11           | Ossawatimie .....      | Miami.....        |
| Woodward, Levi.....             | 9            | Eudora.....            | Douglas.....      |

## MEMBERS OF THE HOUSE OF REPRESENTATIVES.

| NAMES.                  | DIST. | POSTOFFICE ADDRESS.    | COUNTY.           |
|-------------------------|-------|------------------------|-------------------|
| Adams, John E.....      |       | .....                  | Montgomery.....   |
| Ashley, W. F.....       | 27    | Easton.....            | Leavenworth.....  |
| Baliff, E. H.....       | 10    | Lancaster .....        | Atchison.....     |
| Babbitt, J. F.....      | 11    | Hiawatha .....         | Brown.....        |
| Babb, J. W.....         | 48    | .....                  | Linn.....         |
| Benson, George.....     | 36    | .....                  | Douglas.....      |
| Bishop, W. F.....       | 85    | Oswego .....           | Labette.....      |
| Billing, Levi.....      | 76    | Marion Center.....     | Marion.....       |
| Butte, W. C.....        | 20    | Grasshopper Falls..... | Jefferson.....    |
| Burris, John T.....     | 32    | Olathe.....            | Johnson.....      |
| Butler, Thomas H.....   | 78    | Erie.....              | Neosho.....       |
| Brown, John W.....      | 42    | Auburn.....            | Shawnee.....      |
| Clark, John H.....      | 17    | Lewisville .....       | Pottawatomie..... |
| Coffin, Elihu E.....    | 61    | Le Roy.....            | Coffey.....       |
| Curtis, A.....          | 12    | Carson.....            | Brown.....        |
| Disbrow, William B..... | 40    | Clinton.....           | Douglas.....      |
| Dixon, John.....        | 46    | La Cygne.....          | Linn.....         |
| Drake, Charles.....     | 66    | Americus.....          | Lyon.....         |
| Edwards, John H.....    | 88    | Ellsworth.....         | Ellsworth.....    |
| Evans, A. J.....        | 7     | Atchison.....          | Atchison.....     |
| Eves, George P.....     | 52    | Turkey Creek.....      | Bourbon.....      |
| Faulkner, John K.....   | 29    | High Prairie.....      | Leavenworth.....  |
| Gates, L.....           | 82    | Gatesville.....        | Clay.....         |
| Green, C. W.....        | 45    | Fontana.....           | Miami.....        |
| Gregory, H. J.....      | 63    | Belmont.....           | Woodson.....      |
| Grover, Charles H.....  | 26    | Salt Creek Valley..... | Leavenworth.....  |
| Guthrie, John.....      | 41    | Topeka.....            | Shawnee.....      |
| Hazen, A.....           | 2     | Columbus .....         | Doniphan.....     |
| Halderman, J. A.....    | 24    | Leavenworth City.....  | Leavenworth.....  |
| Hanway, James.....      | 59    | Ohio City.....         | Franklin.....     |
| Hensel, L.....          | 13    | Seneca .....           | Nemaha.....       |
| Hosley, J. D.....       | 55    | Ozark.....             | Allen.....        |
| Hunt, P. B.....         | 68    | Cottonwood Falls.....  | Chase.....        |
| Hudson, T. J.....       | 77    | .....                  | Wilson.....       |
| Hunter, J. M.....       | 65    | Forest Hill.....       | Lyon.....         |
| Jennings, A. J.....     | 38    | Eudora.....            | Douglas.....      |

## MEMBERS OF THE HOUSE OF REPRESENTATIVES—Continued.

| NAMES.                  | DIST. | POSTOFFICE ADDRESS.   | COUNTY.          |
|-------------------------|-------|-----------------------|------------------|
| Kellogg, Josiah.....    | 23    | Leavenworth City..... | Leavenworth..... |
| Kohler, Conrad.....     | 73    | Lyons.....            | Dickinson.....   |
| Lambert, Wallace W..... | 81    | Lindsay.....          | Ottawa.....      |
| Langdon, S. J.....      | 86    | Iowa City.....        | Crawford.....    |
| Lane, Vincent J.....    | 81    | Wyandott City.....    | Wyandott.....    |
| Le Duc, E. H.....       | 4     | Troy.....             | Doniphan.....    |
| Larimer, J. I.....      | 30    | Leavenworth City..... | Leavenworth..... |
| Libby, C. W.....        | 51    | Xenia.....            | Bourbon.....     |
| Lindsay, John G.....    | 56    | Garnett.....          | Anderson.....    |
| Logan, Joseph.....      | 9     | Monrovia.....         | Atchison.....    |
| Lusher, John.....       | 33    | Aubrey.....           | Johnson.....     |
| Macintosh, J. V.....    | 87    | Hays City.....        | Ellis.....       |
| Makay, John T.....      | 80    | Quindaro.....         | Wyandott.....    |
| McMahon, H.....         | 62    | Ottumwa.....          | Coffey.....      |
| Morris, William.....    | 14    | Wetmore.....          | Nemaha.....      |
| Mowrey, A. T.....       | 3     | Wathens.....          | Doniphan.....    |
| Motz, Simon.....        | 89    | Sheridan.....         | Wallace.....     |
| Murphy, Thomas.....     | 6     | Atchison.....         | Atchison.....    |
| Nesbitt, S. F.....      | 1     | Highland.....         | Doniphan.....    |
| Osborn, W. F.....       | 75    | Virgil.....           | Greenwood.....   |
| Parson, J.....          | 8     | Mt. Pleasant.....     | Atchison.....    |
| Parker, Charles G.....  | 69    | Council Grove.....    | Morris.....      |
| Peckham, W. H.....      | 39    | Big Springs.....      | Douglas.....     |
| Pierce, George T.....   | 53    | Ottawa.....           | Franklin.....    |
| Pinkerton, J. H.....    | 70    | Wabauauee.....        | Wabauauee.....   |
| Redfield, J. O.....     | 54    | Humboldt.....         | Allen.....       |
| Ridlon, Frederick.....  | 35    | McCamish.....         | Johnson.....     |
| Rorick, David.....      | 21    | Perryville.....       | Jefferson.....   |
| Sanford, Amos.....      | 83    | Columbus.....         | Cherokee.....    |
| Scott, Wm. B.....       | 47    | Oakwood.....          | Linn.....        |
| Secrest, Edward.....    | 72    | Randolph.....         | Riley.....       |
| Sells, Wm. H.....       | 35    | Lawrence.....         | Douglas.....     |
| Sells, Elijah.....      | 37    | Baldwin City.....     | Douglas.....     |
| Sherry, Byron.....      | 22    | Leavenworth City..... | Leavenworth..... |
| Shire, Daniel.....      | 25    | Leavenworth City..... | Leavenworth..... |
| Shelhamer, A. J.....    | 84    | .....                 | Cloud.....       |
| Small, H.....           | 67    | .....                 | Butler.....      |
| Smith, Reuben.....      | 43    | Ossawatimie.....      | Miami.....       |
| Snead, J. H.....        | 74    | Salina.....           | Saline.....      |
| Snoddy, James D.....    | 49    | Mound City.....       | Linn.....        |
| Stewart, Byron.....     | 79    | Mt. Florence.....     | Jackson.....     |
| Stewart, S. B.....      | 28    | Tonganoxie.....       | Leavenworth..... |
| Stotler, Jacob.....     | 64    | Emporia.....          | Lyon.....        |
| Tiffany, J. A.....      | 50    | Barnesville.....      | Bourbon.....     |
| Topping, B. H.....      | 44    | Paola.....            | Miami.....       |
| Webb, W. C.....         | 53    | Fort Scott.....       | Bourbon.....     |
| Wells, John D.....      | 15    | Barrett's Mill.....   | Marshall.....    |
| West, E. P.....         | 90    | Salt Marsh.....       | Republic.....    |
| Whittaker, David.....   | 5     | Doniphan.....         | Doniphan.....    |
| Whitford, J. H.....     | 57    | .....                 | Anderson.....    |
| Wilson, A. S.....       | 16    | Washington.....       | Washington.....  |
| Williams, J. L.....     | 18    | Holton.....           | Jackson.....     |
| Wilhelm, Levi.....      | 19    | Winchester.....       | Jefferson.....   |
| Wilkins, J.....         | 60    | Valley Brook.....     | Osage.....       |
| Wright, John K.....     | 71    | Junction City.....    | Davis.....       |

# LAWS OF KANSAS.

## CHAPTER I.

### LEGISLATIVE EXPENSES.

AN ACT making appropriations for current legislative expenses, and for salaries of the supreme and district judges for the year A. D. (1870) one thousand eight hundred and seventy.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated for the purposes herein named, for the year A. D. one thousand eight hundred and seventy: For per diem and mileage of members of the legislature, twenty-two thousand dollars; for allowance to president of the senate, four hundred dollars; for extra allowance to the speaker of the house of representatives, one hundred and fifty dollars; for salary of chief justice and associate justices of the supreme court, six thousand dollars; for salaries of district judges and judge of the criminal court of Leavenworth county, twenty-two thousand dollars; for officers and messengers of the senate and house of representatives, five thousand dollars; for legislative printing, and for printing public documents, five thousand dollars.

Legislative and  
judiciary appro-  
priations.

SEC. 2. That the auditor of state is hereby authorized to issue his warrants upon the treasurer of state for the

Warrants may be  
issued.

purposes and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts as may be properly presented and authenticated.

Sec. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 8, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, February 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER II.

### LEGISLATIVE EXPENSES.

AN ACT making appropriations for legislative expenses for fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes hereinafter mentioned, for the fiscal year ending November 30, 1870 :

Legislature.

For payment of per diem and mileage of members of the legislature, and payment of officers and messengers of legislature, eight thousand dollars.

For Prouty, Davis & Crane, proprietors of the *Kansas Commonwealth*, for papers furnished to the legislature as per concurrent resolution, two thousand and eight dollars, (\$2,008.)

For Baker & King, proprietors of the *Kansas State Record*, for papers furnished to legislature as per concurrent resolution, two thousand six hundred and thirty-five dollars and seventy-one cents, (\$2,635.71.)

For publishing reports ordered printed in the *Kansas Daily Record* and *Kansas Daily Commonwealth*, five hundred dollars, (\$500,) or so much thereof as may be necessary.

Hon. G. H. Grover, for his expenses in contesting his seat as a member of the house of representatives, fifty dollars, (\$50.)

J. V. McIntosh, for his expenses contesting his seat in the legislature, seventy-five dollars, (\$75.)

State treasurer, for furnishing stamps for legislature, four hundred and ninety-five dollars, which sum shall be paid out of the unexpended appropriation under an act authorizing the governor of the State of Kansas to purchase and distribute seed wheat to destitute citizens on the western frontier, approved March 1, 1869.

G. O. Wilmarth, for articles (of) stationery furnished to legislature, three hundred and seventy-four dollars and eighty-six cents. Miscellaneous.

H. W. Farnsworth, postmaster, for postage on two hundred and eighty-nine daily transient newspapers for senate and house of representatives during session, forty-eight dollars and fifty cents, (\$48.50.)

To W. G. Souther, for fifteen days services as clerk of the joint committee for investigating the affairs of the auditor's and treasurer's office, at three dollars per day, forty-five dollars, (\$45.00.)

For chaplains of the senate and house of representatives, three hundred dollars, (\$300,) or so much thereof as may be necessary to be paid to each in proportion to the service rendered at the rate of three dollars (\$3.00) per day.

SEC. 2. That no account shall be allowed or audited unless verified by affidavit of claimant upon an itemized statement of his account.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Daily Commonwealth*, and

said publication shall be all required by law, any statute to the contrary notwithstanding.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER III.

### EXECUTIVE, LEGISLATIVE AND JUDICIARY EXPENSES.

AN ACT making appropriations for the executive, legislative and judiciary departments of the state.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated for the purposes hereinafter mentioned, for the fiscal year ending November 30, 1870:

#### EXECUTIVE DEPARTMENT.

Governor.

Governor's salary, two thousand dollars, (\$2,000.)

Private secretary's salary, twelve hundred dollars, (\$1,200.)

Making and recording patents, three hundred dollars, (\$300.)

Contingent funds, postage and telegraphing, two thousand dollars, (\$2,000.)

Secretary of State

Secretary of State's salary, fifteen hundred dollars, (\$1,500.)

Clerk hire in office, two thousand dollars, (\$2,000.)

Stationery for State, two thousand dollars, (\$2,000.)



Fuel for furnace for fiscal year 1870, one thousand dollars, (\$1,000.)

Fuel for furnace for fiscal year 1871, one thousand dollars, (\$1,000.)

Postage, three hundred dollars, (\$300.)

Freight and expressage, two hundred dollars, (\$200.)

Blank books for State officers, five hundred dollars, (\$500.)

Contingent fund, two hundred and fifty dollars, (\$250.)

Janitor, six hundred dollars, (\$600.)

Engineer and assistant, one thousand dollars, (\$1,000.)

Gas and lighting capitol, six hundred dollars, (\$600.)

Auditor of State, for salary, fifteen hundred dollars, Auditor. (\$1,500.)

Clerk hire, two thousand dollars, (\$2,000.)

Postage, one hundred dollars, (\$100.)

Contingent fund, two hundred dollars, (\$200.)

State treasurer, for salary, fifteen hundred dollars, State Treasurer.

(\$1,500.)

Clerk hire, twelve hundred dollars, (\$1,200.)

Postage, fifty dollars, (\$50.)

Contingent fund, three hundred dollars, (\$300.)

Attorney General, for salary, one thousand dollars, Attorney General

(\$1,000.)

Traveling expenses, three hundred dollars, (\$300.)

Postage, twenty-five dollars, (\$25.)

Superintendent of public instruction, for salary, twelve hundred dollars, (\$1,200.) Superintendent Public Instruction.

For assistant or clerk, eight hundred dollars, (\$800.)

For traveling expenses, six hundred dollars, (\$600.)

Postage, one hundred and fifty dollars, (\$150.)

Contingent, two hundred dollars, (\$200.)

Adjutant General, for salary, twelve hundred dollars, Adjutant General (\$1,200.)

Postage, one hundred dollars, (\$100.)

Contingent, two hundred dollars, (\$200.)

Supreme court, for salary of reporters, seven hundred dollars, (\$700.) Supreme Court.

Contingent fund of the supreme court, to be expended under the direction of the court, three hundred dollars, (\$300.)

Five hundred dollars is re-appropriated to Hon. John T. Burris for one quarter's salary as judge of the tenth judicial district.

Indexing the journal of the house, by the chief clerk, one hundred and fifty dollars, (\$150.)

For indexing the journal of the senate, by the secretary, one hundred and fifty dollars, (\$150.)

For transcribing the journals of the two houses, one thousand dollars, (\$1,000.)

To Mrs. Sarah J. Neal, by services as first assistant engrossing clerk of the house of representatives, from the 13th day of January to the 27th day of January, both inclusive, fifteen days, at (\$3.00) per day, forty-five dollars, (\$45.)

For pay of chaplains of house and senate for A. D. 1870, \$300, to be drawn out on certificate of applicant corresponding to the journals of the respective houses.

Auditor may issue  
warrants.

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purposes and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all accounts which may be presented to him: *Provided*, That no account shall be allowed or audited except salaries of officers, unless upon itemized vouchers, and verified by affidavit, showing that the funds were applied to the specific purpose only for which they were appropriated.

Previso.  
Account shall be  
itemized, etc.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 5, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER IV.

## STATE UNIVERSITY.

AN ACT making appropriations for the State university, for the fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated to the State university, out of any money in the treasury not otherwise appropriated, for the purposes hereinafter named: For salaries of six regular instructors, nine thousand, nine hundred and thirty-three and thirty-three one hundredths dollars (\$9,933.33); for salaries of special instructors, thirteen hundred dollars (\$1,300); for salary of secretary of board of regents, one hundred dollars (\$100); for salary of treasurer of board of regents, two hundred and fifty dollars (\$250): *Provided*, That no distinction is made by the officers of said university in receiving pupils on account of race or complexion. For resident janitor, five hundred and forty dollars (\$540); for fuel, two hundred and fifty dollars (\$250); for apparatus of instruction, one thousand five hundred dollars (\$1,500); for catalogues for 1869, one hundred and twenty dollars (\$120); for advertising, two hundred and thirty dollars (\$230); for balance due on observatory building, one hundred and thirty-five dollars (\$135); for express charges on transit and other instruments presented to the university, two hundred and twelve dollars (\$212).

Salaries of officers

Proviso.

No distinction on account of race or color.

Expenses.

SEC. 2. This act to take effect and be in force from and after its publication once in the *Weekly Kansas Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Kansas Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State,*

## CHAPTER V.

## STATE NORMAL SCHOOL.

AN ACT making appropriations for current expenses of State normal school for fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the State normal school for the fiscal year 1870 :

Salaries.

For salary of principal, two thousand dollars, (\$2,000.)

For salary of associate principal, eighteen hundred dollars, (\$1,800.)

For salary of preceptress, one thousand dollars, (\$1,000.)

For salary of female teacher, nine hundred dollars, (\$900.)

For principal of model school, nine hundred dollars, (\$900.)

Janitor's salary for last half of 1869 and for 1870, seven hundred and fifty dollars, (\$750.)

For text books and maps, one hundred and fifty dollars, (\$150.)

Miscellaneous expenses.

For chemical and philosophical apparatus, two hundred dollars, (\$200.)

For fencing, eight hundred and fifty dollars, (\$850.)

For window blinds, four hundred dollars, (\$400.)

For record books, one hundred and twenty-five dollars, (\$125.)

For deficiency in repairing building, three hundred and eighteen dollars and fifty cents, (\$318.50.)

For catalogue, one hundred and fifty dollars, (\$150.)

For insurance, one hundred and twenty-five dollars, (\$125.)

For fuel and lights, six hundred dollars, (\$600.)

For deficiency in current expenses, one hundred and seventy-three dollars and ninety-six cents, (\$173.96.)

For chairs, one hundred dollars, (\$100.)

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purpose and amount specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts as may be presented to him: *Provided*, That no distinction is made on account of race or color in the reception of pupils by the teachers and officers of said normal school: *Provided further*, That no account shall be allowed or audited except salaries of officers, unless an itemized account is furnished, verified by affidavit, showing that the funds appropriated were applied to the specific purpose only for which they were appropriated.

Auditor may draw warrants.

Proviso.

Proviso, itemized account to be furnished, etc.

SEC. 3. That in all cases in which, by the provision of this act, appropriations are made for specific purposes named or cause stated, the officer or person having charge of such appropriations shall, in no case, by any contract, act or proceeding, obligate the State of Kansas, at any time, to pay a larger sum than herein specifically appropriated.

The State shall not pay more than the specific appropriation.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER VI.

## CURRENT EXPENSES. ASYLUM FOR THE BLIND.

AN ACT making appropriation for the support of the blind asylum.  
*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the blind asylum for the fiscal year 1870:

For salary of superintendent, eight hundred dollars, (\$800.)

Salaries.

For salary of matron, three hundred dollars, (\$300.)

For provisions, fuel, medical attendance, and incidental expenses, four thousand dollars, (\$4,000.)

For salary of teachers, one thousand dollars, (\$1,000.)

For salary of trustees, three hundred dollars, (\$300.)

For wages of employees, cooks and laundress, eight hundred dollars, (\$800.)

Miscellaneous expenses.

For completing interior of asylum building, one thousand dollars, (\$1,000.)

For purchase of cows, one hundred dollars, (\$100.)

For fruit and ornamental trees, one hundred dollars, (\$100.)

For furniture and school apparatus, five hundred dollars, (\$500.)

Auditor may issue warrants.

SEC. 2. The auditor of state is hereby authorized to issue warrants on the treasurer of state for the purposes and amounts specified in the first section of this act, or so much thereof as may be necessary. All accounts for provision, fuel and current expenses to be itemized and sworn to by the superintendent.

The specific appropriation shall not be exceeded.

SEC. 3. That in all cases in which, by the provisions of this act, appropriations are made for specific purposes named, or cause stated, the officer or person having charge of said appropriations shall, in no case, by any contract, act or proceedings, obligate the State of Kansas,

at any time, to pay a larger sum than herein specifically appropriated.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER VII.

### CURRENT EXPENSES. ASYLUM FOR THE INSANE.

AN ACT making appropriations for the current expenses of the State asylum for the insane, for the fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of [the State of] Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the state insane asylum for the fiscal year ending November 30, 1870:

For salary of superintendent, one thousand dollars, Salaries of officers  
(\$1,000.)

For salary of steward, eight hundred dollars, (\$800.)

For salary of matron, five hundred dollars, (\$500.)

For wages of three male attendants, ten hundred and eighty dollars, (\$1,080.)

For salary of seven female attendants, thirteen hundred and ninety-two dollars, (\$1,392.)

For teamster, gardner and extra labor, seven hundred and fifty dollars, (\$750.)

For maintenance of officers and employees, twenty-six hundred dollars, (\$2,600.)

Miscellaneous  
expenses.

For lights, fuel, forage, medicine, postage, stationery, repairs, seeds, implements, ferriage, expressage, &c., two thousand five hundred dollars, (\$2,500.)

For wagon and harness, one hundred and fifty dollars, (\$150.)

For six cows, two hundred and fifty dollars, (\$250.)

For completing well, two hundred and fifty dollars, (\$250.)

For fencing, two hundred dollars, (\$200.)

For fruit and ornamental trees, three hundred dollars, (\$300.)

For barn, five hundred dollars, (\$500.)

For walks and privy, two hundred dollars, (\$200.)

For furniture for building, two hundred and fifty dollars, (\$250.)

For salary of three trustees, three hundred dollars, (\$300.)

For deficiency of the Hon. J. Hanway, president of the board of trustees, for fiscal year 1869, eight days, at three dollars per day, twenty-four dollars, (\$24.)

D. Underhill, for services as trustee of insane asylum, from July 15 to November 30, 1869, nine days, (\$3,) twenty-seven dollars, (\$27.)

Auditor may issue  
warrants.

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purposes and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts which may be presented to him: *Provided*, That no account shall be allowed or audited, except salaries of officers, unless upon estimates itemized and verified by affidavit of the steward or superintendent, showing that the funds appropriated are to be applied to the specific purpose only for which they were appropriated.

Accounts to be  
itemized, etc.



SEC. 3. That in all cases in which, by the provisions of this act, appropriations are made for specific purposes Specific appropriation shall not be exceeded. named or cause stated, the officer or person having charge of such appropriations shall, in no case, by any contract, act or proceeding, obligate the State of Kansas, at any time, to pay a larger sum than herein specifically appropriated.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER VIII.

### APPROPRIATION FOR CURRENT EXPENSES. DEAF AND DUMB ASYLUM.

AN ACT making appropriations for the current expenses of the deaf and dumb asylum for the fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated for the purposes hereinafter named, for the fiscal year ending November 30, 1870 :

For maintenance of pupils, teachers and assistants, seven thousand five hundred dollars, (\$7,500.)

Salary of L. H. Jenkins, principal, one thousand dollars, (\$1,000.)

Salaries.

For salaries of steward, matron and instructress, eighteen hundred dollars, (\$1,800.)

For salaries of additional teacher, six hundred dollars, (\$600.)

For purchase of cooking range and furniture for kitchen three hundred dollars, (\$300.)

For clothing indigent pupils, two hundred dollars, (\$200.)

For bedding and furniture for sleeping rooms of pupils, four hundred dollars, (\$400.)

Miscellaneous expenses.

For hired help in kitchen and laundry, four hundred and fifty dollars, (\$450.)

For building new cistern, and repairing and putting pump in cistern, two hundred and fifty dollars, (\$250.)

For school room furniture and apparatus of instruction, two hundred dollars, (\$200.)

For purchase of three cows, one hundred and thirty dollars, (\$130.)

For stable, five hundred and fifty dollars, (\$550.)

For building two privies, two hundred dollars, (\$200.)

Auditor may issue warrants.

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purposes and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts which may [be] presented to him.

Specific appropriations shall not be exceeded.

SEC. 3. That in all cases in which, by the provisions of this act, appropriations are made for specific purposes named or cause stated, the officer or person having charge of said appropriations shall, in no case, by any contract, act or proceeding, obligate the State of Kansas, at any time, to pay a larger sum than herein specifically appropriated.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office,

and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER IX.

### STATE PENITENTIARY.

AN ACT making appropriations for the State Penitentiary for the fiscal year 1870.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the sum of thirty-five thousand dol- Appropriation.  
lars is hereby appropriated out of any money in the  
treasury not otherwise appropriated, for the state peni-  
tentiary for the fiscal year 1870, which sum, together with  
the earnings of convict labor, shall be expended under the  
direction of the board of directors, for salaries [of] officers,  
wages of employees, for supplies, for maintenance, and  
for material for building and improvements, which money  
shall be paid upon the approval of the board, or of the  
resident director: *Provided*, That new contracts for con- Provide.  
vict labor may be made as far as it can be done without  
subjecting the state to damages: *And provided further*,  
That the board of directors shall make new contracts,  
upon such terms as they may deem most advantageous  
for said penitentiary in securing the largest possible in-  
come: *And further provided*, That all the funds of said  
institution shall be deposited in such banking institution  
as the board or resident director may select; and shall  
only be drawn upon the check of the board or resident  
director.

SEC. 2. The resident director, in the absence of the Powers of resi-  
dent director.  
board of directors, shall have the general oversight, and

give directions to the wardens and all other officers and employees, as though a quorum of the board was present.

Salary of resident  
director.

Proviso.

SEC. 3. The resident director shall receive, out of this appropriation, nine hundred dollars per annum for his services: *Provided*, He takes personal oversight and charge of the institution as director.

SEC. 4. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER X.

### APPROPRIATION FOR CAPITOL IMPROVEMENTS.

AN ACT making appropriations for capitol improvements.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury, not otherwise appropriated, for the state capitol building for the fiscal year ending November 30, 1870:

B. Haywood & Co., for matting, chairs, etc., for legislative halls, one thousand nine hundred and forty-nine dollars and eighteen cents, (\$1,949.18.)

Tweedale & Company, for fixing screws to windows; seven dollars, (\$7.)

John Hammond, for services as state house commissioner, for the quarter ending March 6, 1870, one hundred and twenty-five dollars, (\$125.)

William Bowman, for services as state house commissioner, for quarter ending March 6, 1870, one hundred and twenty-five dollars, (\$125.)

Daniel Killen, for services as state house commissioner, for quarter ending March 6, 1870, one hundred and twenty-five dollars, (\$125.)

J. G. Haskell, for services as architect and superintendent of state house from January 1, 1870, till March 20, 1870, two months and twenty days, at the rate of \$3,000 per annum, six hundred and sixty-six dollars and sixty-six cents. Miscellaneous.

William Bowman, for necessary traveling expenses, while performing the duties of state house commissioner, from March 6, 1868, to January 12, 1870, four hundred and forty-one dollars and seventy-five cents, (\$441.75.)

Daniel Killen, for traveling expenses, same as above, four hundred and forty-one dollars and seventy-five cents, (\$441.75.)

John Hammond, for necessary traveling expenses, same as foregoing, four hundred and forty-one dollars and seventy-five cents, (\$441.75.)

Tweedale & Cook, for furnishing material and completing privy, and construction of plank walks to privy and street, making entrance of posts, moving gates, etc., twenty-one hundred and twenty-nine dollars and ninety-one cents, (\$2,129.91.)

The same, for moving the entire state department from the old capitol buildings to the state house, four hundred dollars, (\$400.)

The same, for furnishing material and labor for the construction of temporary steps in front of state capitol three hundred [dollars,] (\$300.)

Scott & Brother, of Leavenworth, for painting at state capitol, one hundred and fifty-two dollars and fifty cents, (\$152.50.)

Tweedale & Cook, for labor and material for drains, etc., sixty-four dollars, (\$64.)

The *Monitor* Publishing Company, of Fort Scott, for publishing advertisements for state house commissioners, ten dollars, (\$10.)

W. S. Burke, for publishing notices and other printing for state house, ninety-three dollars, (\$93.)

H. J. Miller, for gas fixtures and fitting up the same in capitol building, four thousand five hundred dollars, (\$4,500.)

For improving capitol grounds, repairing fence, setting out trees and grading, five hundred dollars, which sum shall be expended under the direction and superintendence of the governor and auditor of state.

To John Goodin, for balance on contract for steam heating apparatus, three thousand eight hundred and fifty-two dollars, (\$3,852.)

The sum of four thousand [and] one hundred and forty-eight dollars (\$4,148) for fitting up library and supreme court room, painting such fittings, and also galvanizing iron cornice and balustrade of exterior, for providing steam pump, iron cistern and tin ventilating pipes, and repairs of exterior walls of the building, the expenditure to be made under the direction of the state house commissioners: *Provided*, That said commissioners and architect shall receive no pay for overseeing the work for which appropriation is hereby made.

Tweedale & Cook, for extra work at capitol, making tables, repairing furniture, etc., one hundred and seventy-four dollars and sixty-two cents, (\$174.62.)

To M. B. Crawford, repairing steps and furnishing glass and setting same, three dollars and fifty cents.

Excelsior Coke and Gas Company, for pipe and gas fixture, five hundred and seventy dollars and seventy-five cents, (\$570.75.)

Account to be  
verified.

SEC. 2. That no account shall be allowed or audited unless verified by affidavit of claimant upon an itemized statement of accounts.

SEC. 3. This act shall take effect and be in force from

and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XI.

AN ACT making appropriations for state printing and binding, and for the payment of balance on adjutant general's report, and salary of state librarian, for fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the sum of twenty thousand dollars Appropriation. is hereby appropriated out of any money in the treasury not otherwise appropriated, for state printing and binding for the fiscal year ending November 30, 1870 :

To John M. Haerberlein, for furnishing the *Kansas Freie Presse* to members of the house and senate, as per resolution, \$513.

To *The Bulletin* Co-operative Printing Company, for Miscellaneous. printing first volume adjutant general's report, two thousand seven hundred and thirty-three [and] 60-100 dollars, (\$2,733 60-100,) or so much thereof as the secretary of state and auditor of state may find due and unpaid upon the work performed by said company upon said report, after examination and count of said work,

To state librarian, \$500.

SEC. 2. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 11, 1870.

THOMAS MOONLIGHT,  
Secretary of State.

## CHAPTER XII.

### CURRENT EXPENSES.

AN ACT making appropriations for the expenses of especial committee appointed to visit the several state and benevolent institutions.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums are hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose hereinafter named :

For expenses of especial committee of legislature to visit the institutions for the insane, deaf and dumb, and blind. James R. Mead, twenty dollars, (\$20.)

S. J. H. Snyder, twenty dollars, (\$20.)

John H. Clark, twenty dollars, (\$20.)

Andrew S. Wilson, twenty dollars, (\$20.)

David Whittaker, twenty dollars, (\$20.)

Auditor may issue warrants.

SEC. 2. The auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purposes and amounts specified in the first section of this act.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved March 3, 1870.



I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XIII.

### LEGISLATIVE EXPENSES.

AN ACT making appropriations for expenses of special investigating committees of the legislature for fiscal year ending November 30, 1870.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The following sums are hereby appropriated out of any money in the treasury not otherwise appropriated, for expenses of special investigating committees of the legislature for the fiscal year ending Nov. 30, 1870 :

For expenses and mileage of J. H. Snead, member of Miscellaneous. the Cherokee Neutral Lands special investigating committee, eighty dollars, (\$80.)

For expenses and mileage of J. K. Wright, of the same committee, eighty dollars, (\$80.)

For expenses and mileage of Amos Sanford, member of the same committee, eighty dollars, (\$80.)

For expenses and mileage of E. H. LeDuc, a member of the same committee, eighty dollars, (\$80.)

For expenses and mileage of J. T. Burris, member of the same committee, eighty dollars, (\$80.)

For expenses and mileage of M. B. Crawford, assistant sergeant-at-arms, with same committee, eighty dollars, (\$80.)

Z. Jackson, member of special investigating committee

on state capitol building, one hundred and eighteen dollars and fifty cents, (\$118.50.)

L. D. Bailey, member of same committee, sixty dollars, (\$60.)

M. V. Voss, member of same committee, ninety-three dollars and ninety cents, (\$93.90.)

John McClanahan, of same committee, twenty-eight dollars and sixty-five cents, (\$28.65.)

Miscellaneous. M. M. Murdock, of same committee, fifty-six dollars and forty cents, (\$56.40.)

J. F. Broadhead, member of committee investigating penitentiary, one hundred and twenty dollars, (\$120.)

M. B. Crawford, assistant sergeant-at-arms, for serving subpoenas, mileage to Lawrence and return, for special committee investigating congressional delegation, fourteen dollars and forty cents, (\$14.40.)

SEC. 2. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XIV.

## MISCELLANEOUS EXPENSES.

AN ACT making appropriations for miscellaneous expenses.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the following sums are hereby appropriated out of any money in the treasury not otherwise appropriated for the purposes hereinafter mentioned, for the fiscal year ending November 30, 1870 :

Whitton & Weiss, for sundries for legislature, as per resolution, fifty dollars and five cents, (\$50.05.)

David Ware, deficiency for water, fifty six dollars, (\$56.00.)

Same, for janitor's services, two hundred and forty-six dollars, (\$246.00.)

Joseph Brashiers, for services in cleaning out old capitol, and aiding in moving, and cleaning out new capitol, and putting things in order from December 15, 1869, to January 31, 1870, seventy-two dollars, (\$72.00.)

A. McKinney, for making duplicate copies of laws of 1869, for printer, to replace those burnt in *Record* office, April 3, 1869, fifty dollars, (\$50.00.)

Shorb & Blanchard, for shovels for engine room, five Miscellaneous. dollars and thirty cents, (\$5.30.)

William Boyd, for wheelbarrows, eighteen dollars, (\$18.00.)

J. D. Shull, for oil for pump one dollar, (\$1.00.)

Thomas Moonlight, for seal for tenth judicial district, Miami county, and seal for judicial district of which Dickinson county is part, twenty seven dollars, (\$27.00.)

Same, for seal for district court of Cloud county, eighteen dollars, (\$18.00.)

Fairchild & Pierce, for goods furnished state penitentiary in 1868, twenty-six dollars and twenty-seven cents, (\$26.27.)

Orrin T. Welch, for rent of building for state arsenal, as per contract, one hundred and seventy-five dollars, (\$175.00.)

E. V. Blake, for hardware, etc., sixty dollars and seventy-three cents, (\$60.73.)

A. Thoman, for cash paid for indicating stamp, twelve dollars and fifty cents, (\$12.50.)

Isaac T. Goodnow, for per centage on sales of agricultural college lands, four thousand three hundred and fifty dollars and seventy-one cents, (\$4,350.71.)

S. E. Sweet for ice furnished supreme court, ten dollars and fifty cents, (\$10.50.)

R. W. Wood, for coal furnished penitentiary in 1868, twenty-seven dollars and ninety-five cents, (\$27.95.)

For state agricultural society, twenty-five hundred dollars, (\$2500.00.)

E. B. Fowler, for stationery furnished supreme court, twenty-seven dollars and fifty cents, (\$27.50.)

For sheriffs arresting fugitives from justice, five hundred dollars, (\$500.00.)

For sheriffs conveying prisoners to penitentiary, twenty-five hundred dollars, (\$2,500.00.)

Miscellaneous.

For binding fourth and fifth volumes of reports, two thousand five hundred dollars (\$2,500.00), unexpended balance of appropriation for this object 1869.

For binding general statutes, 1868, fifteen hundred and sixty-nine dollars and seventy-five cents (\$1,569.75), unexpended balance of appropriation for this object 1869.

For certificates of indebtedness issued during 1869, two thousand eight hundred and seven dollars and eighty cents, (\$2,807.80.)

For regents of university and agricultural college, nine hundred dollars, (\$900.00.)

Crane & Byron, for folding, stitching and covering senate and house journals, one hundred and forty dollars and thirty-one cents, (\$140.31.)

Crane & Byron, for pressing sheets, gathering, collecting, parting, &c., adjutant general's report, and material destroyed by fire, \$1,459.00.

G. O. Wilmarth, for stationery for supreme court, thirty-six dollars and fifty-five cents, (\$36.55.)

To the sheriff of Shawnee county, and the clerk of the district court of said county, costs of suit in the cases of the State of Kansas versus N. Green, governor, and Martin Anderson, state treasurer, eleven dollars and fifteen cents (\$11.15), to be paid out of the appropriation for the support of the penitentiary: *Provided*, The board of directors find the same to be due and unpaid.

E. B. Fowler, costs in case of State of Kansas versus Martin Anderson, fifteen dollars and eighty-five cents, (\$15.85.)

The attorney general is hereby authorized to draw and receive the undrawn balance appropriated to him for traveling expenses and postage for the fiscal year A. D. 1869, upon filing with the auditor of state his account, duly itemized and verified as provided by section two of chapter three of the law of A. D. 1869, and said unpaid balance is hereby re-appropriated out of any moneys not otherwise appropriated.

C. R. Carpenter, for corn for penitentiary, furnished Miscellaneous.  
A. D. 1867, \$69.15.

C. E. Gray, for per diem and expenses as witness before committee of ways and means, \$18.00.

To purchase a law library for the state, two thousand five hundred dollars (\$2,500.00), to be drawn and expended under the direction of the judges of the supreme court, and the books to be selected and purchased by them.

Clerk of supreme court, copying opinions for fifth volume supreme court reports, \$75.38.

E. B. Fowler, as clerk supreme court, July term, sixteen days, \$4.00 per day, \$64.00.

To Prouty, Davis & Crane, thirty-six dollars for additional papers furnished members of the legislature, and not included in former bill, (\$36.00.)

D. P. Mitchell, for services as chaplain in penitentiary, one hundred and ninety-five dollars and fifty cents (\$195.50), to be paid out of appropriation for support of penitentiary: *Provided*, The same is found due and unpaid.

William S. Burke for printing adjutant general's report, six hundred and fifty-nine dollars and ninety cents, (\$659.90.)

William S. Burke, for printing senate and house bills,

an act incorporating cities of the first class, and Leavenworth registry law, one hundred and nine dollars, (\$109.)

Hon. J. C. Bailey, six dollars, re-appropriated for services upon joint committee visiting state university.

Hugo Kullak, for repairs to clerk's desk, house, eighteen dollars, (\$18.00.)

Whitton & Weiss, for soap, one dollar and ten cents, (\$1.10.)

To Wilhite Bros., for flour and meal furnished state penitentiary A. D. 1868, \$26.00.

Miscellaneous.

For second volume of adjutant general's report, twenty-five hundred dollars, to be drawn upon the certificate of the adjutant general, as prescribed by house concurrent resolution No. 69.

R. P. West, for roan mare lost in scouting, as per H. C. R. No. 65, one hundred and fifty dollars (\$150.00.)

To Wm. Lamb, for his expenses in contesting his election as a member of the house of representatives, 1868, twelve dollars, (\$12.00.)

To the legal heirs of Samuel L. Ellis, for amount due on pay-roll of Kansas battalion, who died in service, sixty-six dollars and eighty-nine cents (\$66.89), to be paid out of the military contingent fund: *Provided*, That no account shall be allowed or audited unless verified by affidavit of claimant upon an itemized statement.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XV.

## HOME FOR FRIENDLESS WOMEN.

AN ACT to establish a home for friendless women, and to make an appropriation therefor.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the sum of ten thousand dollars be, and the same is hereby appropriated out of any moneys in the treasury of the state not otherwise appropriated, for the purpose of purchasing a site and erecting a building thereon, in the county of Leavenworth, and State of Kansas, for a home for friendless women, and to be under the control, use and management of the association in the city of Leavenworth, known as "The Kansas Association for Friendless Women," organized under the general corporation act of the State of Kansas, January —, 1870. Said site to be selected and said building to be erected under the direction and management of the trustees of said association: *Provided*, The city of Leavenworth purchase for and donate to the said association a site on which to erect said building, which site shall not cost less than two thousand dollars in cash, and none of the funds herein appropriated shall be paid to the said association until a warrantee deed shall first be made to the association for such a site as they may select for the purpose of erecting thereon the building provided for in this act.

No funds paid until deed is made.

SEC. 2. That said association may elect one of its members, or any person not a member, to superintend the erection of said building, but who shall receive no pay from the state or said fund for said services. Said site shall not cost over two thousand dollars, and the building thereon shall be of such dimension that it may be finished by the balance of the said money.

Superintendent.

SEC. 3. Said association shall receive in the institution such friendless women from all parts of the State of Kansas as shall present themselves to the proper officers

Who shall be admitted.

thereof for admission, and are found by them to need the instruction and care of said institution: *Provided*, That no distinction be made in such institution on account of race or color.

Property purchased, how,

SEC. 4. The real estate and property purchased by said fund shall be purchased in the name of the trustees of said association, and shall be owned and controlled by said association and their successors.

Auditor to issue warrants.

SEC. 5. That the auditor of state is hereby authorized to issue warrants upon the treasurer of state for the purposes and amounts specified in the foregoing sections of this act, upon proper vouchers presented and verified by affidavit of claimant, and certified to as being correct, by the president and secretary of said association, or by such other member of said association as the trustees shall designate.

SEC. 6. That this act shall be in force from and after its publication once in the *Kansas Daily Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Daily Commonwealth* March 8, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER XVI.

## AMERICAN POMOLOGICAL CONGRESS.

AN ACT to reimburse the commission from this state to the American Pomological Congress, at Philadelphia, its expenses in the discharge of its duty.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the sum of two hundred and ninety- Appropriation. one dollars and seventy-five cents is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the payment of expenses incurred by the committee who had charge of the Kansas fruits at the "American Pomological Congress," held in Philadelphia in 1869.

SEC. 2. That said committee is hereby authorized to Additional pay. use and apply the sum of three hundred and twenty-eight dollars and twenty-five cents, the balance of an appropriation approved March 4, 1869, reported in the hands of the committee unexpended, which sum, added to the appropriation in the first section of this act, shall be payment in full for the expenses of said committee.

SEC. 3. This act to take effect and be in force from and after publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER X<sup>V</sup>

### CONCERNING AGRIC

AN ACT to amend an act entitled "an act  
agriculture," approved March 2, 1868.

*Be it enacted by the Legislature of the*

Counties may  
issue bonds to  
purchase fair  
grounds.

SECTION 1. That section one of  
act for the encouragement of agri-  
same is hereby amended to read as follows: Section 1.  
That the board of commissioners of every county in this  
state are hereby authorized to issue bonds or to appropri-  
ate, from the treasury of their respective counties, of  
money not exceeding in amount one mill and three quar-  
ters on the dollar on the amount of taxable property in  
said county, to be expended under the direction of the  
agricultural society of said county, and with the consent  
of the said board of commissioners, for the purchase of  
and inclosing and improvement of a tract of ground suffi-  
cient for the wants and use of said county agricultural  
society, for the purpose of holding fairs and for the other  
purposes of said society: *Provided*, That said commis-  
sioners of any county shall not appropriate the money  
mentioned in this section until a majority of the electors  
of said county voting on the question shall have voted to  
make such appropriation, at a general or special election.

Proviso.

SEC. 2. That section one of the said act to which this  
act is amendatory be and the same is hereby repealed.

SEC. 3. This act shall be in force and take effect from  
and after its publication in the *Kansas Weekly Common-  
wealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct  
copy of the original enrolled bill now on file in my office,  
and that the same was published in the *Kansas Weekly  
Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XVIII.

## STATE AGRICULTURAL SOCIETY.

HOUSE JOINT RESOLUTION providing for the use of a room in the capitol building for use of state agricultural society.

*Be it resolved by the Legislature of the State of Kansas :*

SECTION 1. That the secretary of state be and he is hereby instructed to set apart for the exclusive use of the executive board of the state agricultural society, for the term of one year, one of the rooms on the basement floor of the capitol building, for the purpose of keeping therein their books, papers, mineral specimens, &c., and for holding the meetings of the board.

SEC. 2. This resolution shall take effect and be in force from and after its publication once in the *Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XIX.

## KANSAS STATE AGRICULTURAL COLLEGE.

AN ACT to aid in the development of the agricultural department of the Kansas state agricultural college.

WHEREAS, Under an act of Congress, approved July 2, 1862, the State of Kansas accepted a grant of ninety thousand acres of land for the endowment of its agricultural college; and

WHEREAS, The State of Kansas has heretofore advanced as a loan, from time to time, the several sums necessary to pay the salaries of professors in said college, thus complying with the conditions requiring that the institution should go into active operation within a limited time, and securing its benefits to the earlier pioneer settlers in this commonwealth; therefore

*Be it enacted by the Legislature of the State of Kansas :*

Donation.

Proviso, to purchase additional lands, etc.

Proviso, to purchase arms.

SECTION 1. That the several sums advanced to pay the professors in the Kansas state agricultural college, from the year 1863 to the year 1869 inclusive, be and the same are hereby donated to said college, together with all interest that may have accrued on said sums: *Provided*, That the amount hereby donated shall be used as the board of regents of said college may direct, to purchase additional lands for the college farm, to erect buildings and to develop the agricultural department of said college: *And provided*, That the sum of fifteen hundred dollars may be appropriated from said donation for the purchase of a proper set of arms and accoutrements for the use of the drill class in the military department required by law in said college.

SEC. 2. The treasurer of the board of regents is hereby authorized to pay upon the orders of said regents an amount equal to the sum donated by this act to said college, out of any interest upon the endowment fund that may at any time be in his hands in excess of orders then due

for professors' salaries: *Provided*, That if any order, drawn upon said treasurer on account of the donation made by this act shall not be paid on presentation, said treasurer shall endorse thereon "not paid for want of funds," and any order thus endorsed shall bear interest at the rate of seven per centum per annum until paid: *Provided*, There shall be no distinction made by the officers of said institution of applicants for admission on account of color or race.

SEC. 3. This act shall take effect from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XX.

### ASYLUM FOR THE INSANE.

AN ACT in relation to the asylum for the insane, and supplemental to an "act concerning lunatics and habitual drunkards," approved March 2, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The custodian or person in whose care an insane person may be, shall be his guardian in all that pertains to a legal defense of his person from injury or abuse where no guardian of such insane person lives in the same county. Where there is a guardian of such insane person living in the same county, the person in

Guardian of in-  
sane person,

whose care such insane person may be, shall notify such guardian (if to him known) of such injury or abuse. But if the guardian is to him unknown, he shall notify the probate judge of said county.

SEC. 2. Any probate judge in this state desiring to commit an insane person to the state insane asylum, shall forward a statement in form as follows to the superintendent thereof:

STATEMENT.

In the matter of the insanity of A. B., of —— county, State of Kansas.

To the superintendent of the state insane asylum: After due examination had before me, C. D., probate judge of —— county, on the —— day of ——, 187—, one A. B. was adjudged to be insane. This is, therefore, to inquire whether, and if so, when you can admit him into the insane asylum? The following is the history of the case, as far as I am informed: [Here recite the principal items of information in regard to the case.]

[SEAL.] C. D., Probate Judge.

SEC. 3. The superintendent shall inform such judge whether the person adjudged to be insane can be received or not, and if the judge receive information that such person will be received, he shall issue his precept in form as follows, to the guardian of such person adjudged to be insane:

PRECEPT.

In the matter of the insanity of A. B.

To C. D., guardian of A. B.:

You are hereby commanded, without unnecessary delay, to take A. B., adjudged to be insane, and deliver him into the custody of the superintendent of the state insane asylum, together with the accompanying warrant to the steward directed, and return within thirty days this precept, with the receipt of the superintendent endorsed thereon.

[SEAL.] C. D., Probate Judge.

FORM OF WARRANT.

In the matter of the insanity of A. B., of —— post-office, —— county, State of Kansas.

To the steward of the state insane asylum: You are

hereby commanded to receive and maintain, at the expense of \_\_\_\_\_ (name of county, or guardian or person to bear the expense) one A. B., adjudged to be insane, being the person herewith delivered to the superintendent by E. F., guardian, (or sheriff.)

[SEAL.]

C. D., Probate Judge.

SEC. 4. If, in determining the matter of maintenance, the court shall find that a person adjudged to be insane <sup>insane person maintained how.</sup> has sufficient means for his maintenance and that of his family, if he have one, without impoverishment, he shall order his guardian or other legal representative to pay for his maintenance out of the proceeds of the estate of such insane person. But if the court shall find that he has no estate, or not sufficient for his maintenance and that of his family without impoverishment, or if he be a minor, and his parents are not able to maintain him away from home, the court shall deliver to the clerk of the board of county commissioners of the proper county, a certificate in form as follows:

## CERTIFICATE.

In the matter of the insanity of A. B., of \_\_\_\_\_ county.

To the board of county commissioners of \_\_\_\_\_ county: A. B., a citizen of this county, was, after due examination had in this court on the \_\_\_\_\_ day of \_\_\_\_\_, 187—, adjudged to be insane, and not having sufficient means known to this court for his maintenance, was, by an order of this court, placed in custody of \_\_\_\_\_ (name of person or officer,) for maintenance at the expense of the county.

[SEAL.]

C. D., Probate Judge.

When an itemized and verified account shall be presented to the board of county commissioners an order shall be issued for its payment out of the county treasury if the amount is found reasonable.

SEC. 5. Persons desiring to place patients in the asylum at private expense, shall apply to the superintendent, stating the nature of the case, and if such case comes within the provisions of the by-laws of the asylum, and there is room, the superintendent shall inform the applicant that the case will be received. But in every such

case the superintendent shall be presented with a certificate in form as follows, signed by at least one practicing physician of the same county :

PHYSICIAN'S CERTIFICATE.

\_\_\_\_\_ county, State of Kansas, \_\_\_\_\_ (month,) \_\_\_\_\_ (date,) 187—, we have seen and examined A. B., and believe him to be insane.

G. H., M. D.,  
J. J., M. D.

There shall also be presented to the superintendent at the time of admission, a certificate of the probate judge of the proper county, in form as follows :

CERTIFICATE.

In the matter of the insanity of A. B.

I, C. D., probate judge of \_\_\_\_\_ county, State of Kansas, have been informed of the insanity of A. B., and have appointed K. L., of \_\_\_\_\_, (name of the postoffice,) \_\_\_\_\_ (county,) State of Kansas, guardian of that said A. B., or M. N., of \_\_\_\_\_, (name of postoffice,) \_\_\_\_\_ (county,) State of Kansas, is the guardian of the said A. B. (as the case may be.)

[SEAL.]

C. D., Probate Judge.

SEC. 6. There shall be filed with the steward on or before the time of admission, an obligation in form as follows, signed by at least two persons, the genuineness of whose signatures and their pecuniary responsibility shall be certified to in form as follows, by the probate judge, a notary public, or a justice of the peace of the proper county :

OBLIGATION.

In consideration of A. B. being admitted a private patient into the state insane asylum, we, the undersigned, jointly and severally promise to pay to the treasurer of the said asylum, on the first day of December, March, June and September, with ten per cent. interest per annum after said days respectively, the rate of board determined by the board of trustees of said asylum, to provide or pay for all requisite clothing or other things necessary or proper for the health and comfort of said patient, to remove said patient when discharged, to reimburse funeral expenses in case of death, and also to



indemnify said asylum for all expenses of suit which it may incur in collecting said bill for board, supplies and funeral charges, the same to be included in the damages to be recovered in such suit.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

O. P.

Q. R.

\_\_\_\_\_ county, State of Kansas.

I certify that the signatures of O. P. and Q. R. to the above obligation are genuine, and that they are responsible for the amount of the above obligation.

S. T., Probate Judge, or Notary Public.

SEC. 7. The superintendent shall forward to the person or officer asking the admission of patients the necessary blanks for such case, together with the questions designed to elicit a history of the case, the answer to which shall be written out by the applicant as far as information can be obtained, and the blanks so filled shall then be forwarded to the superintendent.

Duties of Superintendent.

SEC. 8. The person or court placing a patient in the asylum shall have the power to remove such patient at any time, and the superintendent shall have power, under the direction of the trustees, to discharge any patient at any time in accordance with the by-laws of the asylum. No idiot or person laboring under any infection or contagious disease shall be admitted into the asylum.

Patient removed, how.

SEC. 9. When a patient is ordered discharged, the steward shall immediately notify the probate judge of the proper county of such discharge, giving the name of the patient and date of discharge, and whether the patient is restored to his right mind or not. The judge shall, when he receives the notice, make a corresponding entry on the records of his court; and, in case the patient is discharged not restored, he shall immediately issue his precept to the guardian of such person to remove him from the asylum to the proper county, at the expense of the county or person charged with his maintenance. If the patient is not removed within thirty days after discharge, the steward shall remove him at the expense of

Patient ordered discharged, what proceedings.

the county or person charged with his maintenance. In case of the discharge of a county patient, the steward shall also notify the county clerk of such discharge.

Patient discharged restored.

SEC. 10. When a patient is discharged, restored, the steward may, under the direction of the superintendent, send him home at the expense of the county or person charged with his maintenance.

Neglect of duty punishable by fine.

SEC. 11. In case of the non-performance of any of the duties enjoined in this act, such neglect may be punished by fine in any sum not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace of the proper county, by any person suing therefor, for the use of the county.

SEC. 12. This act shall take effect from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXI.

### BONDS IN AID OF STATE UNIVERSITY.

AN ACT to authorize the city of Lawrence to issue bonds in aid of the university of Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

Bonds to be issued.

SECTION 1. The city of Lawrence is hereby authorized and empowered, through and by its mayor and council, to appropriate the sum of one hundred thousand dollars

to aid in the erection, completion or equipment of buildings at or near the city of Lawrence, for the uses of the "University of Kansas," and to issue and deliver to the board of regents of said university the bonds of said city to the amount of one hundred thousand dollars, in sums of not less than one hundred dollars each, payable twenty years after date, bearing interest at the rate of seven per cent. per annum.

SEC. 2. The appropriation shall not be made nor the <sup>when.</sup> bonds be issued or delivered, until the question of such appropriation shall be submitted to the qualified electors of said city, at a special election to be called by the mayor thereof, ten days' notice of said election having been given in the daily newspapers of said city. The ballots to be cast at said election shall be: "For the appropriation to aid the University of Kansas," and "Against the appropriation to aid the University of Kansas;" and said election shall be conducted in all respects in conformity with the general election laws of the state of Kansas.

SEC. 3. If a majority of the votes cast at such election shall be in favor of said appropriation, then the mayor and city council shall have full power to make such appropriation and issue such bonds, and deliver the same to the board of regents of said university.

SEC. 4. Provision shall be made by the corporate <sup>Provision for interest and sinking fund.</sup> authorities of said city for the payment of the interest due on said bonds, and a sinking fund for the payment of the principal thereof, in conformity with the provisions of an act entitled "An act to incorporate cities of the second class, approved February 28, 1868."

SEC. 5. This act shall take effect and be in force from and after its passage and publication once in the *Republican Daily Journal* and the *Daily Kansas Tribune*, without expense to the State.

Approved January 20, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Republican Daily Journal* and the *Daily Kansas Tribune* January 21, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XXII.

## SCHOOL DISTRICT.

AN ACT to authorize school district No. 7, of Osage county, Kansas, to issue additional bonds.

*Be it enacted by the Legislature of the State of Kansas :*

School board  
authorized to  
issue bonds.

SECTION 1. That the board of directors of school district No. 7, of Osage county, Kansas, for the purpose of completing the school house which is now in process of erection in said district, and for erecting suitable out-buildings and fencing and ornamenting the school grounds, are hereby authorized to issue the bonds of the district not to exceed in amount five thousand dollars additional to what has been authorized by a vote of the district, or as much thereof as the directors aforesaid may deem necessary, in sums not less than twenty-five dollars, which bonds shall draw interest from date at the rate of ten per cent. per annum, payable annually, and each bond shall be signed by the director and countersigned by the clerk, and shall specify therein to whom the same shall be made payable. The aforesaid bonds may be made payable any time within fifteen years from their date, and may be negotiable by the said district board, at not less than eighty cents on the dollar.

Bonds draw ten  
per cent. interest.

Bonds shall be  
payable within  
fifteen years.

Provisions to ap-  
ply in issuing said  
bonds.

SEC. 2. That the provisions of sections 4, 5, 6, 7, 8, 9 and 10 of an act entitled an act to enable school districts in the state of Kansas to issue bonds, and approved February 26, 1866, shall apply and be enforced by said district board of directors in the issuing of said bonds.

SEC. 3. This act shall take effect from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 14, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* February 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XXIII.

## BONDS TO BUILD A BRIDGE.

AN ACT authorizing Blue Rapids township, Marshall county, Kansas, to issue bonds to build a bridge across the Blue river.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the trustee and clerk of Blue Rapids township, Marshall county, Kansas, for the purpose of erecting a suitable wagon bridge across the Blue river, at the foot of Main street, in Irving, in said township, are hereby authorized to issue the bonds of said township, not to exceed in amount twenty thousand dollars, or so much thereof as they may deem necessary, in sums not less than fifty dollars each, which bonds shall draw interest from date, at the rate of ten per cent. per annum, payable annually at the office of the treasurer of said township, and each bond so issued shall be signed by the trustee and clerk, and countersigned by the treasurer of said township, and shall specify therein to whom the bonds shall be made payable.

May issue bonds for what purpose.

What sums.

Interest.

Shall be signed by whom.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within ten years from date, and may be negotiable by said township at not less than ninety cents on the dollar.

When payable.

Negotiable at what price.

SEC. 3. That the said township officers shall levy annually such per cent. upon the taxable property of the township as shall be sufficient to pay the interest on all the bonds issued by the township under the provisions of this act, as the same accrues, and to levy and collect such other tax as shall be sufficient to create a sinking fund for the redemption of said bonds in ten years from the time they are issued.

Shall levy tax to pay interest and create sinking fund.

SEC. 4. That interest coupons shall be attached to said bonds, to be signed by the trustee and clerk, and countersigned by the treasurer, and shall specify thereon to whom the same shall be made payable.

Coupons shall be attached.

Treasurer shall  
pay interest.

SEC. 5. Whenever the interest on said bonds shall become due, the same shall be paid by the treasurer out of any money in his hands for that purpose, on presentation to him of the coupons, which he shall file, and the coupons so redeemed shall be vouchers for the money so paid; and he shall enter the same upon a book kept for that purpose, showing the amount of interest paid, to whom paid, date when paid, and the number of the bond from which the coupon was detached.

Shall be submitted to legal voters.

SEC. 6. Before any of the bonds hereinbefore mentioned shall be issued, the matter shall be submitted to the legal voters of said township, at the first regular township election. At the election held as aforesaid, each qualified elector shall be permitted to vote by depositing a ballot inscribed "for bonds" or "against bonds," and if at said election a majority of said votes shall be for bonds, the said bonds shall be issued, and not otherwise. In case the proposition to issue bonds provided for in this act shall be voted down at any election, as provided in this section, the township trustee is hereby authorized to call a special election, not less than four months succeeding the election at which the question was lost, at which shall be submitted the matter of voting said bonds, which election shall be conducted in all respects in conformity with and governed by the general election laws of the state of Kansas. The trustee shall give at least two weeks notice, by posting written or printed notices thereof in at least five public places in said township of said special election.

Township trustee  
may call special  
election when.

Notice to be given.

SEC. 7. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXIV.

## NEOSHO COUNTY

AN ACT authorizing school district No. 5, in Neosho county, to issue bonds to build a school house.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the board of school district No. 5, in Neosho county, Kansas, for the purpose of erecting a suitable school house in said district, are hereby authorized to issue the bonds of said district, not to exceed in amount twelve thousand dollars, or so much thereof as the directors may deem necessary, in sums not less than fifty dollars each, which bonds shall draw interest from date, at the rate of ten per cent. per annum, payable annually, and each bond shall be signed by the director and clerk and countersigned by the treasurer of said board, and shall specify therein to whom the bonds shall be made payable.

May issue bonds to build school house.

Amount.

In what sums.

By whom signed.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within ten years from date, and may be negotiable by said district at not less than eighty (80) cents on the dollar.

Payable within ten years.

Negotiable at what price.

SEC. 3. That the said district board shall levy annually such per cent. on taxable property of the district as shall be sufficient to pay the interest on all bonds issued by the district under the provision of this act as the same accrues, and to levy and collect such other taxes as shall be sufficient to sink the bonds in ten years from the time they are issued.

Tax to be levied to pay interest and create sinking fund.

SEC. 4. That interest coupons shall be attached to said bonds, to be signed by the director and clerk and countersigned by the treasurer, and shall specify thereon to whom the same shall be made payable.

Coupons to be attached.

SEC. 5. Whenever the interest on said bonds shall become due, the same shall be paid by the treasurer out of any money in his hands for that purpose, on presentation

Interest to be paid by county treasurer.

to him of said bonds, and shall designate on the back of each bond the amount of interest paid, and the date of payment, and shall enter the same in a book kept for that purpose.

The issuing of bonds to be submitted to the legal voters at an election called for that purpose.

SEC. 6. Before any of the bonds hereinbefore mentioned shall be issued, the matter shall be submitted to the legal voters of said district No. five, at an election to be held for that purpose, and shall be conducted in all respects in conformity with and governed by the general election laws of the state of Kansas. The time for holding said election shall not be the same as that appointed by law for holding any township, school or general election in the state, but shall be designated by the district board of said school district No. five, of which time and place of said election they shall give at least two weeks notice by posting written or printed notices thereof in at least five public places in said district. At the election held as aforesaid each qualified elector shall be permitted to vote by depositing a ballot inscribed "For bonds," or "Against bonds," and if at said election a majority of said votes shall be for bonds, the said bonds shall be issued, and not otherwise. In case the proposition to issue bonds provided for in this act shall be voted down at any election as provided in this section, the district board are hereby authorized to call another election as herein provided, and submit the question of issuing bonds to the electors of said district, and said subsequent election shall be conducted in all respects as hereinbefore provided.

Another election may be called.

SEC. 7. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*



## CHAPTER XXV.

## NEOSHO COUNTY.

AN ACT authorizing the township of Mission, Neosho county, Kansas, to issue bonds to build a bridge.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the township trustee, township treasurer and township clerk, of the township of Mission, Neosho county, Kansas, for the purpose of constructing a bridge across Flat Rock creek, in said township, at a point within one hundred feet of the section line running east and west between sections Nos. eighteen and nineteen (18 and 19), in township twenty-nine (29), range twenty-one (21), in the county of Neosho, are hereby authorized to issue the bonds of said township, not exceeding in amount five thousand dollars, or so much thereof as they may deem necessary, in sums not less than one hundred dollars each, which bonds shall draw interest from date, at the rate of ten per cent. per annum, payable annually, with coupons attached, and the bonds shall contain a statement of the purpose for which they were issued, and a reference to the act under which they were issued, and shall be made payable to bearer, bearing date at the time of their issuance, and shall be signed by the township trustee and treasurer, and countersigned by the township clerk.

May issue bonds to build a bridge.

At what point.

Amount.

In what sums.

Interest coupons to be attached.

Bonds signed by whom.

SEC. 2. The bonds issued under the first section of this act, may be made payable at any time within ten years from date, and may be negotiated by said township at not less than seventy-five cents on the dollar.

Payable within ten years.

SEC. 3. The township trustee shall annually levy such per cent. on all the taxable property of said township, as shall be sufficient to pay the interest on all bonds issued under the provisions of this act as the same accrues, and to levy such other tax, to create a sinking fund, as shall be sufficient to pay off said bonds at their maturity, and

Tax shall be levied to pay interest and create sinking fund.

the assessment so made shall be by the township clerk, certified to the county clerk of Neosho county, who shall place the same on the tax roll for collection, and said assessments shall be subject to the same penalties, and be collected in like manner as other taxes, and when collected, shall be paid over to the township treasurer.

Coupons to be  
received for taxes.

SEC. 4. That the coupons on said bonds may be received for the taxes levied to pay the same, and the bonds may be receivable in payment of the taxes levied to create said sinking fund: *Provided*, That when said bonds are so received, the unpaid coupons must be surrendered with the bonds so paid on said taxes.

Proviso.

County treasurer  
to pay interest.

SEC. 5. That whenever the interest on said bonds shall become due and payable, the same shall be paid by the treasurer, out of any money in his hands for that purpose, on presentation to him of said bonds, with the coupons attached, and he shall designate, on the back of each bond, the amount of interest paid, and the date of payment, and shall enter the same in a book kept by him for that purpose, and shall, at the same time, cancel and retain in his possession all coupons upon which interest has been paid.

Bonds to be  
redeemed.

SEC. 6. Whenever there shall be collected a sufficient amount to redeem one or more of said bonds, the township trustee shall give notice that the township treasurer has on hand money for the redemption of a certain number of said bonds, and the bonds shall be redeemed that are in the hands of persons who will receive the lowest sum for them. On the redemption of any of the bonds or coupons, the same shall be burned by the said township trustee, treasurer and clerk after they shall have been noted as canceled in the recorded proceedings in relation to their issuance. Whenever any bonds or coupon shall be received by the township treasurer, he shall write the word "paid" on the face of the same, with the date of payment, and shall sign his name thereto.

Question to be  
submitted at an  
election.

SEC. 7. Before any of the bonds hereinbefore mentioned shall be issued, the matter shall be submitted to the legal voters of said township of Mission, at an election to be held for that purpose, and shall be conducted,

in all respects, in conformity with and governed by the general election laws of the State of Kansas. The time and place of holding said election shall be designated by the trustee of said township, of which time and place of said election he shall give at least ten days' notice, by posting notices thereof in at least five public places in said township. Each qualified elector, at said election, shall be permitted to vote by depositing a ballot inscribed "For bonds," or "Against bonds," and if, at said election, a majority of said votes shall be for bonds, the said bonds shall issue, but not otherwise. In case the proposition to issue bonds provided for in this act shall be voted down at any election, as provided in this section, the said township trustee is hereby authorized to call other elections, as herein provided, and submit the question of issuing bonds to the electors of said township, but said election shall not be called until the expiration of sixty days next after the preceeding election, and until a petition signed by at least one-third of the qualified voters of said township shall have been presented to said township trustee, asking that another election be held, and said subsequent election shall be conducted in all respects as hereinbefore provided: *Provided*, That the time for said election shall not be the same as that appointed by law for holding any township, school or general election in this state.

Township trustee  
may call another  
election.

Proviso.

SEC. 8. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXVI.

## BONDS—JEFFERSON COUNTY.

AN ACT to authorize the township officers of Kentucky township, Jefferson county, to issue bonds of said township to build a bridge.

*Be it enacted by the Legislature of the State of Kansas:*

Bonds may be issued.

SECTION 1. That the trustee, treasurer and clerk, or a majority of them, of Kentucky township, Jefferson county, Kansas, be, and they are hereby authorized and empowered to issue the bonds of said township, not to exceed in amount the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of procuring or building a pontoon or other kind of bridge over the Kansas river, at a point between the old town site of Rising Sun, in said township, and Lecompton, in Douglas county; said bonds to be issued in sums not less than fifty dollars each, which bond[s] shall draw interest from date at the rate of ten per cent. per annum from date, payable semi-annually on the first day of May and November in each year; and each bond shall be signed by the said trustee and clerk, and countersigned by the said treasurer, and shall specify therein to whom the bonds are made payable.

What amount.

For what purpose.

In what sums.

Interest payable when.

Shall be signed by whom.

Shall specify what.

Bonds payable at what time.

May be sold at what price.

Coupons.

Interest shall be paid by whom.

SEC. 2. That the bonds issued under the provisions of this act may be made payable at any time within ten years from their date, and may be negotiated by the said township officers, or a majority of them, at not less than eighty-five cents on the dollar. Interest coupons shall be attached to said bonds, and shall be signed by the said trustee and clerk, and be countersigned by the said treasurer, and shall specify thereon to whom the same are made payable; and whenever the interest on said bonds shall become due, the same shall be paid by the said treasurer out of any money in his hands for that purpose, on presentation to him of said bonds, and he shall designate on the back of each bond the amount of inter-

est paid, and the date of payment, and shall enter the same in a book which shall be kept by him for that purpose; and no bond or bonds shall draw interest after the holder or holders of any of said bonds have had actual notice that the said township officers are ready to pay any of said bonds, principal and interest.

Shall not draw interest, when.

SEC. 3. That the said trustee shall levy annually such per cent. on all the taxable property in said township as shall be necessary to pay the interest on all bonds issued under this act as the same accrues, and shall levy and collect such other tax as shall be necessary to sink all bonds issued under this act within ten years from the date on which they were issued.

Tax to be levied to pay interest and create sinking fund.

SEC. 4. That before any of the bonds hereinbefore mentioned are issued, the question of issuing said bonds shall be submitted to the legal voters of said township at an election to be held for that purpose, which election shall be conducted in all respects, as near as may be, in conformity with the general election laws of the state of Kansas. The time of holding said election shall be designated by the said officers, or a majority of them, of which time and place of said election they shall give at least two weeks notice by posting written or printed notices in at least five public places in said township. At the election held as provided in this act, each elector voting shall be permitted to vote by depositing a ballot inscribed "For the bonds," or "Against the bonds," and if a majority of the legal votes cast shall be in favor of the bonds, the said bonds shall be issued, and not otherwise. In case the proposition to issue the bonds, above mentioned, shall be voted down, at any election as provided, the said township officers, or a majority of them, are hereby authorized to call another election, and again submit the question as hereinbefore provided, which election shall be conducted in the same manner as provided for the said first election.

An election shall be held on the question of issuing such bonds, when.

Notice to be given. -

Another election may be called.

SEC. 5. That the said township officers hereinbefore mentioned are hereby authorized and empowered to cooperate with like township officers from Lecompton township, in Douglas county, for the purpose of purchasing,

Rate of toll.

constructing, and for the management of said bridge, and to fix the rate of toll, which rate of toll shall not exceed an amount necessary to keep the said bridge in good repair.

SEC. 6. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXVII.

### DOUGLAS COUNTY—LECOMPTON TOWNSHIP.

AN ACT to authorize the trustees, treasurer and clerk of Lecompton township, Douglas county, Kansas, to issue bonds to build a bridge.

*Be it enacted by the Legislature of the State of Kansas:*

May issue bonds  
to build a bridge.

What amount.

At what point.

SECTION 1. That the township trustees, clerk and treasurer (or a majority of them) of Lecompton township, Douglas county, Kansas, be and they are hereby authorized and empowered to issue the bonds of said township, not to exceed in amount the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of procuring or building a pontoon, or other kind of bridge over the Kansas river, at Lecompton, in Douglas county, Kansas, to [a] point at or near the old town site of Rising Sun, Jefferson county, Kansas; said bonds to be in sums not less than fifty dollars each, which bonds

shall draw interest from date, at the rate of ten per cent. per annum, payable annually, and each bond shall be signed by the trustees and treasurer, and countersigned by the clerk of said Lecompton township, and shall specify therein to whom the bonds are made payable.

Bonds shall draw interest and be signed by whom.

SEC. 2. That the bonds issued under the first section of this act, may be made payable at any time within fifteen years from date, and may be negotiable by said trustees, treasurer and clerk, or a majority of them, at not less than eighty-five cents on the dollar. Interest coupons shall be attached to said bonds, and be signed by the said trustees and treasurer, and countersigned by the said clerk, and shall specify thereon to whom the same is made payable. Whenever the interest on said bonds shall become due, the same shall be paid by the treasurer, out of any moneys in his hands for that purpose, on presentation to him of said bonds, and he shall designate on the face of each bond the amount of interest paid and the date of payments, and shall enter the same on a book kept for that purpose.

Payable within fifteen years.

Negotiable.

Coupons to be attached and signed.

County Treasurer to pay interest.

SEC. 3. That the said trustees, treasurer and clerk shall levy, annually, such per cent. on taxable property of the township as shall be sufficient to pay the interest on all bonds issued under this act, as the same accrues, and to levy and collect such other tax as shall be necessary and sufficient to sink all bonds issued under this act, within fifteen years from the date on which they were issued.

Tax to be levied to pay interest and create sinking fund.

SEC. 4. Before any of the bonds hereinbefore mentioned are issued, the question of issuing such bonds shall be submitted, at an election held for the purpose, which election shall be conducted, in all respects, in conformity with the general election laws of the state of Kansas. The time of holding such election shall be designated by the said trustees, treasurer and clerk, or a majority of them, of which time and place of said election they shall give at least two weeks' notice, by posting written or printed notices thereof in at least five public places in the said township, at the election held as provided in this act. Each elector voting shall be permitted to vote by

Question to be submitted at an election.

Notice to be given.

depositing a ballot inscribed "For bridge bonds," or "Against bridge bonds," and if a majority of legal votes, cast as above provided, shall be for the bonds, the said bonds shall be issued, and not otherwise. In case the proposition to issue the bonds above mentioned shall be voted down at any election, as provided, the said trustees, treasurer and clerk, or a majority of them, are hereby authorized to call another election, and submit the question again, as heretofore provided, which election shall be conducted in the manner provided for said first election.

Another election  
may be called.

May co-operate  
with whom.

SEC. 5. That the township officers of Lecompton township, hereinbefore mentioned, are hereby authorized and empowered to co-operate with the township officers of Kentucky township, in Jefferson county, for the purpose of purchasing, constructing, and for the management of said bridge, and to fix the rate of toll, which rate shall not exceed an amount sufficient to keep said bridge in repair.

Toll.

SEC. 6. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER XXVIII.

## DAVIS COUNTY.

AN ACT to authorize Davis county to issue bonds to buy and improve a county farm.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION I. That the board of county commissioners of Davis county, Kansas, be and are hereby authorized and empowered to issue the bonds of said county for any sum not exceeding eight thousand dollars, for the purpose of purchasing and improving a farm for the support of the poor in said county. May issue bonds to buy a farm.

SEC. 2 The said bonds herein provided for shall be issued in sums not less than one hundred dollars each, payable in not less than five years nor more than ten years from the date thereof, and drawing interest at any rate not exceeding ten per cent. per annum, payable annually at the office of the treasurer of said county. How issued. Interest.

SEC. 3. The said bonds shall have coupons attached and said bonds shall be signed by the chairman of the board of county commissioners, and attested by the clerk of said county. Shall have coupons attached, &c.

SEC. 4. The said bonds shall not be sold or negotiated at a less price than ninety cents on the dollar. How sold.

SEC. 5. The board of county commissioners of said county shall levy annually a tax sufficient to pay the interest and to provide a sinking fund for the final payment of said bonds. Tax to be levied to pay interest and create sinking fund.

SEC. 6. As fast as the said sinking fund shall accumulate in the treasury it shall be applied to the payment of said bonds in the order in which they shall be presented for payment, and in case no bonds be presented for payment the said county commissioners may call in a sufficient number of said bonds to exhaust said sinking fund, and no bond shall draw interest after notice Sinking fund to pay off bonds. County commissioners may call in bonds sufficient to exhaust sinking fund.

is so given to the holder thereof to present the same for payment.

SEC. 7. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXIX.

### WYANDOTT COUNTY.

AN ACT to authorize Wyandott county to issue bonds to buy a county farm.

*Be it enacted by the Legislature of the State of Kansas :*

Bonds may be  
issued for what  
purpose.

Question shall be  
submitted at an  
election called for  
the purpose.

SECTION 1. That the board of county commissioners of Wyandott county, Kansas, be, and are hereby authorized and empowered to issue the bonds of said county for any sum not exceeding five thousand dollars, for the purpose of purchasing a farm for the support of the poor in said county: *Provided*, That the question of the issue of said bonds shall be first submitted by said county board to the qualified electors of said county at a general or special election called for the purpose, and their issue authorized by a majority of the votes cast thereon at said election. The ballots used at such election shall have

written or printed thereon the words "For the bonds," or the words "Against the bonds." Said county board shall cause twenty days' notice of said election, if special, to be published in some newspaper published in said county before said election. Notice to be given.

SEC. 2. The said bonds herein provided for shall be issued in sums of one hundred dollars each, payable in not less than five years nor more than ten years from the date thereof, and drawing interest at any rate not exceeding ten per cent. per annum, payable annually at the office of the treasurer of said county. Shall be issued in what sums. Payable when.

SEC. 3. The said bonds shall have coupons attached, and said bonds and coupons shall be signed by the chairman of the board of county commissioners and attested by the clerk of said county. Shall be signed by whom.

SEC. 4. The said bonds shall not be negotiated or sold at a less price than ninety cents on the dollar. How sold.

SEC. 5. The board of commissioners of said county shall levy annually a tax sufficient to pay the interest on said bonds and to provide a sinking fund for the final payment of said bonds. Tax to be levied to pay interest and create sinking fund.

SEC. 6. As fast as the said sinking fund shall accumulate in the treasury, it shall be applied to the payment of said bonds in the order in which they shall be presented for payment, and in case no bonds be presented for payment, the said county commissioners may, by notice, call in a sufficient number of said bonds to exhaust said sinking fund, and no bond shall draw interest after notice is so given to the holder thereof to present the same for payment. County commissioners may call in bonds sufficient to exhaust sinking fund.

SEC. 7. The coupons attached to said bonds shall be received by the treasurer of said county in payment of the tax levied to pay the interest on said bonds. Coupons received for tax.

SEC. 8. This act shall take effect and be in force from and after its passage and publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office,

and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXX.

### INCORPORATED CITIES.

AN ACT to amend section 1 of chapter 52 of the general statutes of 1868, entitled an act to authorize the board of county commissioners and the authorities of incorporated cities to issue bonds for purposes of internal improvement.

*Be it enacted by the Legislature of the State of Kansas :*

Amendment.

Bonds may be issued and loans negotiated, for what purpose, when.

Interest.

Sold at what price.

Question to be submitted at an election called for the purpose.

SECTION 1. That section 1 of chapter 52 of the general statutes of 1868, is hereby amended so as to read as follows: Sec. 1. That the board of county commissioners and authorities of incorporated cities are hereby empowered to issue the bonds of the county or city, as the case may be, for any sum necessary, and negotiate a loan thereon for the purpose of building bridges and erecting buildings for public purposes: *Provided*, Such bonds shall not draw a greater amount of interest than ten per cent. per annum: *And provided further*, That the board of county commissioners of any county shall not negotiate, or sell the bonds of their respective counties for any sum less than eighty-five cents on the dollar: *And be it further provided*, That before any bonds specified in this section shall be issued, the same shall be ordered by a vote of a majority of the voters of the county or city voting at an election held for that purpose, as hereinafter provided.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XXXI.

### EMPORIA.

AN ACT to authorize the citizens of Emporia to issue bonds for the purpose of erecting boarding houses for the use of students of the state normal school.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The citizens of the town of Emporia, through and by the board of trustees of said town, are hereby authorized to issue the bonds of said town to the amount of six thousand dollars, for the purpose of erecting and completing boarding houses for the use of students of the state normal school; said boarding houses to be erected upon such site as a majority of the executive committee of the board of directors of the state normal school may select, in or adjacent to said town, free of all cost to the state.

May issue bonds  
to build boarding  
houses.

SEC. 2. The bonds provided for in the first section of this act shall not be issued or delivered until the question whether they shall be issued or not shall be submitted to the qualified electors of said town, at a special

To be submitted  
to qualified voters

Fifteen days' notice to be given.

election to be called by the board of trustees, fifteen days notice of which shall be given in the newspapers published in said town. The ballots to be used at said election shall have written or printed thereon the following words: "For the bonds to build boarding houses," or "Against the bonds to build boarding houses." Said election shall be conducted in all respects in conformity with the general election laws of the state of Kansas.

Majority of votes required.

SEC. 3. If a majority of the votes cast at said election shall be in favor of the issuing of said bonds, then the board of trustees of said town shall have full power to issue said bonds and deliver the same to the executive committee of the board of directors of the state normal school. Said bonds shall be issued in sums of not less than \$100 each, payable ten years after date, and shall be signed by the chairman of the board of trustees, and countersigned by the clerk of the board, and shall draw interest at the rate of ten per cent. per annum, to be paid annually.

Bonds payable in ten years.  
To be signed by whom.

Interest.

Provision to pay interest and create sinking fund.

SEC. 4. Provision shall be made by the corporate authorities of said town for the payment of the interest due on said bonds, and to provide a sinking fund for the payment of the principal thereof, in conformity with the provisions of an act entitled "an act to incorporate cities of the second class," approved February 28, 1868.

The provisions of this act to apply alike to the town or city of Emporia.

SEC. 5. That if at any time after the passage of this act, and before the final payment of all the bonds which may be issued under its provisions, the said town of Emporia shall change its form of government to that of a city, then all the obligations of the said town assumed under this act shall be and become the obligations of the city of Emporia the same and to the same extent as if the said bonds had been issued by such city; and if the said town of Emporia shall change its form of government to that of a city before the said bonds shall be voted, then the provisions of this act shall be construed to apply to said city the same as if the said town of Emporia was now governed as a city; and that the mayor and city council, after such change, shall be under all the obligations and be invested with all the powers, rights and authori-

ties that are conferred upon the board of trustees of said town by this act, in addition to those conferred upon the officers of cities of the class to which the said city of Emporia may belong.

SEC. 6. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XXXII.

### STATE PERMANENT SCHOOL AND UNIVERSITY FUND.

AN ACT authorizing the board of commissioners for the management of the state permanent school and university fund to invest said fund in bonds herein named.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The board of commissioners for the management of the state permanent school and university funds shall have the power and are hereby authorized to invest any moneys belonging to such funds in bonds of the city of Lawrence, issued in aid of the university of the state of Kansas, to an amount not to exceed one hundred thousand dollars: *Provided*, They shall give preference to the bonds of the state of Kansas whenever the same can be procured as advantageously to the school

May be invested  
in certain bonds  
of the city of Lawrence.

Provido.

Proviso.

funds as the bonds above named: *And provided*, They shall not pay more for the bonds of the city of Lawrence than they paid for state bonds drawing the same rate of interest.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXXIII.

### BONDS—MUNICIPAL TOWNSHIPS.

AN ACT to authorize municipal townships to issue bonds.

*Be it enacted by the Legislature of the State of Kansas:*

Bonds may be issued.

SECTION 1. That the township trustee, clerk and treasurer of any municipal township are hereby empowered to issue the bonds of the township for any sum necessary, not greater than ten per cent. of the taxable property of the township, and negotiate and [a] loan thereon, for the purpose of building bridges: *Provided*, That before such bonds shall be issued, the same shall be ordered by a vote of a majority of the qualified voters of the township, voting at an election held for that purpose, as hereinafter provided.

Proviso, to be ordered by a majority of the qualified voters.

Issued, how.

SEC. 2. The bonds herein provided for shall be issued in sums of not less than fifty dollars each, payable (in the



discretion of the officers issuing the same) in not less than five, nor more than thirty years from the date thereof, with interest, not to exceed ten per cent. per annum, payable semi-annually. Said bonds to be made payable at such place as the officers issuing the same may direct, and shall have interest coupons attached.

SEC. 3. Before any bonds shall be issued by any township, under the provision of this act, the question of building any particular bridge, shall be submitted to a vote of the people thereof, at a time and place to be fixed by the township officers aforesaid: *Provided*, A petition shall be presented to them, signed by not less than twenty-five voters, asking a vote on the question. Upon such petition being presented, the officers aforesaid shall, within five days thereafter, give notice, by publication in a newspaper of general circulation in that township, of the time and place of holding such election; and designating the point at which said bridge is proposed to be built; and that said election shall be conducted under the general election laws of the state. And those voting in favor of building the bridge proposed, shall have written or printed on their ballots "For the bridge and bonds," and those opposed "Against the bridge and bonds." The township officers aforesaid shall meet and canvass the vote cast at such election within three days thereafter, and if a majority voting at such election shall be in favor of such bonds, then said township officers may issue the same, as provided in this act.

SEC. 4. The township officers aforesaid shall levy each year, and cause to be collected as other taxes are collected, a sufficient tax to pay the interest on said bonds, as the same may become due. They shall also levy each year a sufficient tax to create a sinking fund for the final redemption of such bonds, which taxes shall be collected in like manner as other taxes, and when paid into the proper treasury shall be and remain a specific fund for such purpose only, except as hereinafter provided.

SEC. 5. Said sinking fund shall be invested annually in bonds of the United States or state of Kansas, or bonds of the township issued under the provisions of this act,

at the lowest market price thereof, by the said township officers, but at no more than their par value. Bonds so purchased shall be held by the township treasurer until the principal of the bonds issued under this act shall fall due, and shall then be disposed of at the highest market value, and the proceeds appropriated to the redemption of the bonds issued under this act.

Interest to be paid  
by treasurer.

SEC. 6. Whenever the interest on said bonds shall become due, the same shall be paid out of any money in the treasury for that purpose, and the coupons for interest so paid shall be taken up by the treasurer, canceled and filed in his office.

Township clerk  
shall procure  
blank bonds, &c.

SEC. 7. The clerk of the township is hereby authorized and it is made his duty to obtain blank bonds, with suitable devices to prevent counterfeits, and of such suitable material as he may deem proper.

Bonds to be signed  
by whom.

SEC. 8. Said bonds shall be signed by the township trustees, and attested by the township clerk, and the clerk shall keep a register of the bonds thus issued, showing their dates, number, amount, to whom made payable, and rate of interest.

Bonds shall not be  
misapplied.

SEC. 9. Said bonds or the proceeds thereof shall not be used for any other purpose than that named in the notice of the election aforesaid, and any officer who shall apply the same to any other purpose shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than double the amount of the bonds so misapplied, and imprisoned not less than one year: *Provided*, That the proceeds of such bonds may be applied for the redemption of the same.

Penalty.

Proviso.

Tolls.

SEC. 10. The township officers aforesaid may collect such tolls on the bridges so constructed as they may deem proper, not exceeding the rates fixed by law.

SEC. 11. The township officers aforesaid are hereby authorized to enter into contracts to carry into effect the provisions of this act, and the credit of the township availing itself of the provisions of this act is hereby pledged for the redemption of the bonds issued under the provisions of this act.

SEC. 12. This act shall take effect and be in force from

and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXXIV.

### BONDS—JEFFERSON COUNTY.

AN ACT to authorize Oskaloosa township, Jefferson county, Kansas, to issue additional bonds.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the township of Oskaloosa, Jefferson county, Kansas, for the purpose of completing the school house, known as the Oskaloosa township school house, which is now in process of erection in said township, and for erecting suitable outbuildings, and fencing and ornamenting the school ground are hereby authorized to issue the bonds of the township not to exceed in amount five thousand dollars, in additional to what has been authorized by a vote of the township, or as much thereof as may be necessary, in sums not less than one hundred dollars, which bonds shall draw interest from date, at the rate of ten per cent. per annum, payable annually. And each bond shall be signed by the trustee and countersigned by the clerk of said township, and shall specify therein to whom the same shall be made payable. The aforesaid bonds may be made payable at any time within ten years

May issue bonds  
for what purpose.

In what sums.

Interest.

Bonds to be signed  
by whom.

Bonds payable in  
ten years.

Negotiable at  
what price.

from their date, and may be negotiable by the said township at not less than eighty cents on the dollar.

Question shall be  
submitted at an  
election.

Ten days' notice  
to be given

SEC. 2. Before any of the bonds hereinbefore mentioned shall be issued, the matter shall be submitted to the legal voters of said township, at a general or a special election called for that purpose, of which election ten days' notice shall be given in the *Oskaloosa Independent*, a newspaper published in said township. At the election held as aforesaid, each qualified elector shall be permitted to vote by depositing a ballot written or printed thereon: "For bonds," or, "Against bonds," and if at said election a majority of said votes shall be for bonds, the said bonds shall be issued and not otherwise.

SEC. 3. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXXV.

### BONDS—JEFFERSON, COUNTY.

AN ACT authorizing and directing the county commissioners of Jefferson county to issue the bonds of said county to build bridges.

*Be it enacted by the Legislature of the State of Kansas:*

Bonds to be issued  
for what purpose.

SECTION 1. That the county commissioners of Jefferson county, Kansas, are, for the purpose of building bridges in said county, hereby authorized and directed to

issue the bonds of said county not exceeding in amount What amount. the sum of twenty-five thousand dollars, or so much thereof as may be necessary for the purposes herein set forth, in sums of not less than one hundred dollars each, In what sums. which bonds shall have interest coupons attached, and shall draw interest from date at the rate of ten per cent. Interest. per annum, payable annually on the first day of March in each year. Each bond shall be signed by the chairman of the board of county commissioners and attested Shall be signed by whom. by the county clerk and countersigned by the treasurer, and shall be made payable to the bearer.

SEC. 2. That the bonds issued under the provisions of the first section of this act may be made payable at any Payable when. time after five years and within ten years from date, and may be negotiated by the said board of county commissioners at not less than eighty-five cents on the dollar, Negotiable at what price. and all moneys so realized shall be applied exclusively to the object of the first section of this act.

SEC. 3. That the said board of county commissioners shall levy annually such a per cent. on the taxable property in said county as shall be necessary to pay the interest on all bonds issued under the provisions of this act as the same shall mature; also levy and collect a tax sufficient to create a sinking fund for the final redemption of the principal of said bonds; which taxes, when paid into the treasury, shall be and remain a specific fund for said purposes only; and, as fast as any money shall accumulate in the treasury for the redemption of said bonds, it shall be the duty of the commissioners of said county to apply the same to the taking up of such bonds in the order in which they may be presented by the holders thereof; and, Tax shall be levied to pay interest and create sinking fund. in case no bonds are presented, the said board of commissioners may call in and take up the same; and no bond or bonds shall draw interest after the said board of county commissioners have given actual notice to any holder or holders thereof that they are ready to pay the principal and interest of said bond or bonds. Bonds may be called in sufficient to take up sinking fund.

SEC. 4. That whenever the interest on said bonds shall mature, the same shall be paid by the treasurer of said Bonds shall not draw interest after such call. county out of any money in the treasury for that purpose, Interest shall be paid by county treasurer.

and the coupons for the interest so matured shall be taken up by the treasurer, canceled and filed in his office, and said coupons shall be receivable for any tax levied for their redemption. The clerk of said county is hereby authorized and it is made his duty to obtain blank bonds, with suitable devices to prevent counterfeiting, and of such suitable material as he may deem proper.

County clerk shall obtain blank bonds, etc.

County clerk shall register said bonds.

Register shall show what.

Funds from sale of bonds to be applied how.

SEC. 5. It shall be the duty of the county clerk of said county to register in a book provided by him for that purpose, the bonds issued under the provisions of this act, which said register shall show the date, number and amount, and to whom issued; and the said board of county commissioners shall issue said bonds without submitting the same to a vote of the people.

SEC. 6. That the said county commissioners are hereby authorized and directed to apply the funds derived from the sale of said bonds, hereinbefore mentioned, as follows: The proceeds of the sale of seven thousand dollars of said bonds, or so much of the sum derived from said amount as may be necessary, for the purpose of building a bridge across Grasshopper river, at Perry, in said county, at a point not further north than Bridge street, or further south than the bridge of the Kansas Pacific railway, in the town of Perry. The proceeds of the sale of two thousand dollars of said bonds, or so much of the sum derived from said amount as may be necessary, for the purpose of building a bridge across Muddy creek, in said county, at a point to be designated by the said county commissioners. The proceeds of the sale of seven thousand dollars of said bonds, or so much of the sum derived from said amount as may be necessary, for the purpose of building a bridge across the Grasshopper river in the township of Grasshopper Falls, in said county, on the line dividing the north-east and south-east quarters of section nineteen (19,) township eight (8,) range eighteen. The proceeds of the sale of two thousand dollars of said bonds, or so much of the sum derived from said amount as may be necessary, for the purpose of building a bridge across Cedar creek, in the township of Grasshopper Falls, in said county, at such point as may be designated by the township trustee of said township. The proceeds

of the sale of four thousand dollars of said bonds for the purpose of building bridges in Jefferson township, in said county, at such points as may be designated by the township trustee of said township. The proceeds of the sale of three thousand dollars of said bonds for the purpose of building bridges in Union and Oskaloosa townships, in said county, at such points as may be designated by the township trustees of said townships.

SEC. 7. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

The foregoing bill having been presented to the governor, and not having been signed or returned by him within the time required by the constitution, will become a law without his signature upon proper publication.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XXXVI.

### BURLINGAME TOWN COMPANY.

AN ACT authorizing the trustees of the Burlingame town company to take stock in the Burlingame manufacturing company to the amount of twenty-five thousand dollars, and to issue bonds therefor.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the trustees of the town of Burlingame, in Osage county, are hereby authorized to take stock in the Burlingame manufacturing company, a corporation duly organized under the laws of the state of

**What amount.** Kansas, for the purpose of manufacturing woolen fabrics, to the amount of twenty-five thousand dollars.

**May issue bonds, amount.** SEC. 2. For the purpose of paying for said stock the trustees of said town of Burlingame are hereby authorized to issue bonds of the said town to the amount of twenty-five thousand dollars; said bonds to be of the denomination of not more than one thousand dollars each, and not less than one hundred dollars each; that the interest on said bonds shall not be more than ten per cent. per annum, and that the principal of said bonds shall be payable twenty years from the date thereof; that the interest of said bonds shall be payable at such place as shall be designated in said bonds; that they shall specify on the face the date, the amount, to whom issued, the time when due, the rate of interest, and when made payable; that interest coupons shall be attached, one of which shall be filled up for each year's interest; the date and filling up shall correspond with the bonds as to date, number and interest; the amount of each year's interest shall be placed in each one of such coupons, until such bonds shall become due, so as to have the last one fall due at the same time as the bond. Said bonds and the coupons thereto attached shall be severally signed by the president of said board of trustees, and countersigned by their clerk, and shall be negotiable by delivery, and shall be sold for not less than eighty-five cents on the dollar in cash.

**Interest.**

**Bonds payable in twenty years.**

**Interest coupons to be attached.**

**Bonds signed by whom.**

**Sold how.**

**Bonds to be registered.** SEC. 3. It shall be the duty of the clerk of said board of trustees to register said bonds in the records of said town, which records shall show their number, date, amount, to whom issued and delivered, and for how much sold.

**Register to show what.**

**Stock to be represented.** SEC. 4. That the trustees of said town shall, by virtue of their office, be directors in said corporation, and shall have votes in proportion to the amount of the stock owned by said town; that they shall select one of their number to cast the vote of said town at the meetings of the stockholders of said corporation.

**Dividend to be applied how.** SEC. 5. That said trustees shall, from time to time, receive dividends of said corporation, and apply the same towards the payment and redemption of said bonds, and



in case said dividends shall not be sufficient to pay the interest on said bonds, and to raise a sinking fund sufficient to meet the payment of said principal when the same shall become due, then the said trustees shall levy a tax on the taxable property of said town sufficient to meet said deficit in interest and sinking fund. Tax to be levied to meet deficit.

SEC. 6. That as soon as coupons shall be paid they shall be received by the clerk of said board of trustees, and filed in his office; that said coupons shall be receivable in payment of any tax levied by said town to create a sinking fund; and said coupons and bonds, upon receipt of the same by said town clerk, shall be canceled by him in the presence of the board of trustees of said town. Coupons to be received for tax.

SEC. 7. That this act shall take effect and be in force after its publication once in the *Kansas Weekly Commonwealth*.

Passed the house March 1, 1870, the objections of the governor to the contrary notwithstanding. Yeas, 66; nays, 8.

HENRY C. OLNEY,  
*Chief Clerk House of Representatives.*  
JACOB STOTLER,  
*Speaker House of Representatives.*

Passed the senate March 1, 1870, the objections of the governor to the contrary notwithstanding. Yeas, 19; nays, 3.

GEO. C. CROWTHER,  
*Secretary of the Senate.*  
C. V. ESKRIDGE,  
*President of the Senate.*

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXXVII.

## BONDS, NOTES AND BILLS OF EXCHANGE.

AN ACT to amend an act entitled "an act respecting bonds, notes and bills of exchange."

*Be it enacted by the Legislature of the State of Kansas :*

Section four  
amended.

SECTION 1. That section 4 of an act entitled "an act respecting bonds, notes and bills of exchange," be and the same is hereby amended so as to read: All bonds, notes and bills of exchange, except bank checks and sight drafts made negotiable, by this act, shall be entitled to three days' grace in time of payment.

Days of grace.

Section five  
amended.

SEC. 2. That section five of said act is hereby amended so as to read as follows: Section 5. Whenever the third day of grace falls upon Sunday, the fourth day of July, the twenty-fifth day of December, the first day of January, or upon any day appointed by the president of the United States, or this state, for a public fast or thanksgiving, the next preceding business day shall be deemed the last day of grace.

Days of grace.

SEC. 3. This [act] shall take effect and be in force from and after the first day of April, 1870; and it is hereby made the duty of [the] secretary of state to cause this act to be published in the *Kansas Weekly Commonwealth*, immediately on its passage.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XXXVIII.

## MONTGOMERY COUNTY.

AN ACT to amend an act entitled an act defining the boundaries of counties, approved March 3, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section forty-eight of the act to which this is amendatory shall be amended so as to read as follows: Section 48. The county of Montgomery shall be bounded as follows: Commencing at the southeast corner of Wilson county; thence south to the south line of the state of Kansas; thence west along the south line of Kansas twenty-four miles; thence north to the sixth standard parallel; thence east along the said sixth standard parallel to the place of beginning.

Montgomery  
county boundary.

SEC. 2. Original section forty-eight of the act to which this is amendatory, and all other acts and parts of acts in conflict with this act, be and are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XXXIX.

## BOUNDARIES OF COUNTIES.

AN ACT amendatory of an act entitled an act defining the boundaries of counties, approved March 3, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

Allen county. SECTION 1. That section 2 of said act be and the same is hereby amended so as to read: Section 2. The county of Allen is bounded as follows: Commencing at the southeast corner of Anderson county; thence south with the west boundary of Bourbon county to the township lines dividing townships twenty-six and twenty-seven; thence west twenty-four miles on said township lines; thence north on section lines with the east boundary of Woodson county to the southwest corner of Anderson county; thence east with the south line of Anderson county to the place of beginning.

Neosho county. SEC. 2. That section 51 of said act be and the same is hereby amended so as to read as follows: "Section 51. The county of Neosho is bounded as follows: Commencing on the township line dividing townships twenty-six and twenty-seven, at a point corresponding with the southeast corner of Allen county; thence due south to the northeast corner of Labette county; thence due west on the north line of Labette county twenty-four miles to the southeast corner of Wilson county; thence due north with the east line of Wilson county to the township line dividing townships twenty-six and twenty-seven; thence east on said township line twenty-four miles to the place of beginning."

Repealed. SEC. 3. That original sections 2 and 51 of chapter 24 of the general statutes of 1868 be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from

and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XL.

### WABAUNSEE COUNTY.

AN ACT to amend section 75 of an act entitled an act defining the boundaries of counties, approved March 3, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 75 of an act entitled an act defining the boundaries of counties, approved March 3, 1868, be and the same is hereby amended so as to read as follows: Section 75. The county of Wabaunsee is bounded as follows: Commencing at the Kansas river at a point where the section line between second and third tiers of sections in range thirteen east, crosses the said river in township eleven; thence south on the said section lines and the west lines of Shawnee and Osage counties to the corners of sections fourteen, fifteen, twenty-two and twenty-three, in township fifteen south, of range thirteen east; thence west with the section lines to the southwest corner of section fourteen, township fifteen, range nine east; thence north to the southwest corner of section fourteen, of township fourteen, range nine east; thence west on section line to the southwest corner

Wabaunsee  
county.

Boundary

of section fourteen, in township fourteen south, of range eight east; thence north on section lines to the east line of Davis and Riley counties to the middle of the main channel of the Kansas river; thence down said river in the middle of the main channel thereof to the place of beginning.

Repealed.

SEC. 2. That original section 75 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XLI.

### BRIDGE—AIRINGTON.

AN ACT to authorize the board of county commissioners of Atchison county to build a bridge across Grasshopper creek at Airington.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the board of county commissioners of Atchison county be and they are hereby authorized to construct a bridge across the Grasshopper creek in the said county, where the Atchison and Jackson county state road crosses the same, known as the Airington crossing:

Provided, a certain  
other bridge shall  
not be built.

*Provided,* That the said board shall not be compelled to build another bridge across the same creek at Robinson's,

under the vote of the people of said county at the last general election.

SEC. 2. That, for the purpose of building said bridge, said county commissioners are hereby authorized to issue bonds of said county not to exceed the sum of eight thousand dollars, payable in ten years, and drawing interest at ten per cent. per annum. Bonds may be issued. Amount. Interest.

SEC. 3. This act shall take effect from and after its publication in the *Atchison Daily Champion*, said publication to be without expense to the state.

Approved January 26, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Atchison Daily Champion* February 5, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XLII.

### BRIDGE—LEAVENWORTH COUNTY.

AN ACT amendatory of an act entitled an act to authorize the county commissioners of Leavenworth county to build a certain bridge.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 1 of an act entitled "an act to enable the county commissioners of Leavenworth county to build a certain bridge," approved March 4, 1869, be amended so as to read as follows: Section 1. Amendment.

That the county commissioners of Leavenworth county are hereby authorized and empowered, if they consider the public interest requires it, to appropriate the sum of ten thousand dollars, or so much thereof as may be May appropriate ten thousand dollars to build a bridge.

At what point.

necessary, out of the treasury of said county for the purpose of building a bridge across Big Stranger creek, in said county, at the place where the stage road running from Leavenworth city to Perryville, in Jefferson county, crosses said stream.

Act repealed.

SEC. 2. That an act entitled an act to enable the county commissioners of Leavenworth county to build a certain bridge, approved March 4, 1869, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XLIII.

### TO LEGALIZE BUILDING, LOAN AND SAVING INSTITUTIONS.

AN ACT to legalize building, loan and saving institutions, and to declare their acts valid.

*Be it enacted by the Legislature of the State of Kansas:*

Corporations  
made valid.

SECTION 1. All corporations heretofore incorporated under the laws of the state of Kansas, for the purpose of accumulating and loaning funds to members, or that have been so accumulating and loaning funds to members, are hereby recognized and confirmed as legal



and valid corporations from the date of their incorporation or the time they commenced to accumulate and loan to members; and all contracts made between them and their members, all loans made at whatsoever premium, discount or interest, and all securities taken for such loans, are hereby declared legal, valid and binding on all parties concerned or affected thereby, or having notice thereof. Acts made valid.

SEC. 2. Such corporations shall not be required to list for taxation the funds or notes and mortgages held by them, but in lieu thereof shall be assessed for the entire amount of dues, fines and interest paid at the March meeting in each year, as attested by the oath of the president, and secretary and treasurer. How taxed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XLIV.

### PRIVATE BURYING GROUNDS.

AN ACT in relation to private burying grounds.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That hereafter all private burying grounds not otherwise expressly provided for by will, deed, or in

the actual possession of the owner in life, shall be under the exclusive control of the probate judge of the county in which said burying ground may be situated, and it is hereby made the duty of said probate judge to commence and conduct a civil suit or suits for any damages that any other person may do or cause to be done to said burying ground, or to the fence, gates or bars enclosing the same, or any of the graves or monuments therein. The style of any such suit shall be, "\_\_\_\_\_ as probate judge of \_\_\_\_\_ county, against \_\_\_\_\_ defendant."

Duties of probate judge.

Damages to be applied how.

Defendant to pay fees.

SEC. 2. All such damages collected by said suit or suits shall be by said probate judge applied to the repairing of said burying grounds, and said probate judge shall recover in addition to the said damages against the defendant in any such suit the sum of two dollars per day for all time by him actually and necessarily expended, as well also as an attorney fee not exceeding thirty dollars, in behalf of said prosecution.

SEC. 3. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
Secretary of State.

## CHAPTER XLV.

## IN RELATION TO A CEMETERY.

AN ACT to donate block No. 26, in the town of Palmetto, Marshall county, state of Kansas, for a cemetery.

WHEREAS, By a resolution of the "Palmetto town company" of Marshall county, state of Kansas, block number 26 of said town was set apart for a cemetery; and

WHEREAS, The books of the said Palmetto town company have been destroyed by fire, and the plat of said town recorded in the record books of Marshall county, Kansas, fail to show that said block number 26 was reserved and set apart for a cemetery; therefore

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That block number 26, in the town of Palmetto, now included [in] the corporate limits of the city of Marysville, Marshall county, state of Kansas, be and the same is hereby granted, confirmed and set apart for the purposes of a cemetery.

SEC. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XLVI.

### RELATING TO THE NATIONAL CEMETERY AT FORT SCOTT.

AN ACT in relation to the national cemetery at Fort Scott, and ceding the jurisdiction of Kansas over the same to the United States.

*Be it enacted by the Legislature of the State of Kansas :*

Boundary of cemetery.

Proviso.

Section 1. The assent of the state of Kansas is hereby given to the purchase of land heretofore made by the United States, under the act of congress approved February 22, 1867, for the purpose of a national cemetery, at Fort Scott, Kansas, said tract of land being the five acres situate near the city of Fort Scott, in Bourbon county, known as the "government cemetery," and described as follows, to-wit: Five acres of the southwest quarter of section thirty-two, in township twenty-five, south of range twenty-five east, bounded as follows: Beginning at a point thirty rods north of southwest corner of said quarter section, running thence east twenty-eight rods; thence north twenty-eight rods; thence west twenty-eight rods; thence south twenty-eight rods to the place of beginning; and the jurisdiction of the state of Kansas over said tract of land is hereby ceded to the United States of America, and said land shall be forever free from taxation by or under the laws of this state: *Provided*, That nothing herein contained shall be so construed as to interfere with or prevent the service of process issued out of any of the courts of this state upon such tract of land, or to interfere in any way with the jurisdiction of this state to punish crimes and offenses against the laws of this state committed thereon.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XLVII.

### CITIES OF THE FIRST CLASS.

AN ACT to amend an act entitled "an act to incorporate cities of the first class," approved February 24, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section fifteen of an act entitled "an act to incorporate cities of the first class," approved February 24, 1868, is hereby amended so as to read as follows: Sec. 15. The mayor and council of each city created or controlled by this act, shall have the care, management and control of the city and its property and finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such ordinances to alter, modify or repeal, and shall have power: 1st. To levy and collect taxes for general purposes, not exceeding five mills on the dollar in any one year; to levy and collect not exceeding one mill on the dollar for the year 1870, and one-half mill on the dollar for every year thereafter, for the purpose of the fire department, and for the purpose of constructing public cisterns; to levy and collect not exceeding one mill on the dollar in any one year for the purpose of erecting lamp posts and lighting the streets and city buildings with gas; to levy and collect not exceeding two mills on the dollar in any one year for the purpose of constructing sewers, culverts and bridges

Section fifteen amended.

Powers of mayor and council.

To levy and collect taxes.

What amounts, and for what purpose.

within said city; to levy and collect not exceeding one-half mill on the dollar in any one year for the purpose of opening, widening and extending streets in said city; to levy and collect one-half mill on the dollar for the year 1870, for the purpose of purchasing the ground and constructing a pest-house thereon, on all property within the limits of the city, taxable according to the laws of the state, the valuation of such property to be taken from the assessment roll of the proper county. Each of the above named funds, when collected, shall be kept separate by the city treasurer, and shall not be used or appropriated in any other manner, nor for any purpose than that for which it was levied and collected. And it shall be the duty of the county clerk to permit the city clerk, whose duty it shall be to make out from the assessment rolls of the county, an assessment roll for the city, of all the property liable to taxation, as above specified: *Provided*, That the authorities of any such city shall not, in any year, issue scrip, warrants, or orders to an amount greater than ninety per cent. of the amount of the taxes levied for such year and the amount actually received from other sources: *And provided further*, That any councilman or other officer of such city violating the foregoing provisions by vote or otherwise, shall be liable to a fine of not less than five hundred dollars, and imprisonment in the county jail for not more than one month for each and every such offense; and: *Provided further*, That it shall be the duty of the city attorney to prosecute all of such parties for such alleged offenses. The fiscal year of such cities shall commence on Friday succeeding the first Tuesday of April. 2d. To provide for the sale of real estate for the non-payment of taxes due thereon, and for the time and manner of redemption of the same, and conveyance thereof: *Provided*, That the owner may redeem the same within three years after the day of sale, or at any time thereafter until the tax deed is issued, by the payment of the full amount of tax and all subsequent taxes paid thereon by the purchaser, and all costs, penalties and charges thereon, together with interest at the rate of twenty-five per cent. per annum. 3d. To provide for the sale of personal property for the personal

Proviso.

Shall not issue scrip to greater amount than ninety per cent. of tax levied.

Proviso.

Penalty for violating foregoing provision.

Proviso.

City attorney shall prosecute. Fiscal year.

To sell real estate for non-payment of taxes.

Proviso. Owner may redeem within three years, how.

To sell personal property.

taxes due from the owner thereof, or assessed upon the property to be sold. 4th. To use any fund of the city in the purchase of outstanding indebtedness: *Provided*, Such securities shall be kept for the credit of that fund from which the appropriation may be made. 5th. To impose a poll tax not exceeding one dollar on all able-bodied males between the ages of twenty-one and fifty years. 6th. To levy and collect a license tax on auctioneers, hawkers, peddlers, liquor-sellers, pawnbrokers, taverns, dram shops, bankers, brokers, shows and exhibitions for pay, billiard tables, ball and ten-pin alleys, without regard to the number of pins used, hacks, drays, wagons or other vehicles used for pay within the city, theaters and theatrical exhibitions for pay, fire or life insurance companies or agencies, express companies or agencies, telegraph companies or agencies, houses of prostitution, and to place such houses under strict police and sanitary regulations, and to adopt all such measures as they may deem necessary for the accommodation and protection of strangers and the traveling public, in person or property. 7th. To restrain, prohibit and suppress the tippling shops, saloons, dram-shops, billiard tables, ten-pin alleys, ball alleys, houses of prostitution, and other disorderly practices and houses, games and gambling houses, desecration of the Sabbath day, commonly called Sunday, and all kinds of indecency. 8th. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce the same within five miles of the city. 9th. To erect, establish and regulate hospitals, work houses, houses of correction, poor houses and pest houses, and provide for the government and support of the same. 10th. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to make and prescribe regulations for the cleaning and keeping in order of all slaughter houses, stock yards, warehouses, stables or other places where offensive matter is kept or liable to accumulate. 11th. To establish, regulate and support night watch and police, and to define the duties thereof. 12th. To provide for the lighting and sprinkling of streets, and erection of

To pay indebtedness.

To impose poll tax.

To levy and collect license tax, from whom.

Police and sanitary regulations.

To restrain, etc., tippling shops, &c

To make quarantine laws.

Hospitals, etc.

Health of the city

Night watch.

To light streets, etc.

Market houses, etc. lamp posts. 13th. To erect and establish market houses and market places where the same will not obstruct the traveling of persons upon the walks and along the streets of the city, and to license meat shops, and to regulate and govern each and all of the above places; and to provide for the erection of all other useful and necessary buildings for the use of the city, and for the protection and safety of all property belonging to the city, and to provide for the safety and protection of private property where dangers are likely to accrue by the action of the elements or through the carelessness or negligence of any servant or officer of the city, to grant permits or to make contracts for the exclusive or limited right with persons or associations to mine for coal, metals or stone within the corporate limits of such city under such restrictions as shall protect public and private property and insure proper remuneration for such grants, and to establish, alter and change the channels of streams and water courses, and bridge the same: *Provided*, That any such improvement mentioned in this subdivision, costing in the aggregate a sum greater than ten thousand dollars, shall not be authorized until the ordinance providing therefor shall be submitted to and ratified by a majority of the legal voters of such city. 14th. To provide that any person desiring to subdivide any addition or tract of land within the present city limits, shall submit a plat and map of said subdivision to the mayor and city council, to be approved by said mayor and council before the same shall be filed in the register of deeds' office of the county in which said city is located: *Provided*, That the person or persons so desiring to subdivide his or their addition or tract of land, shall not, in dedication of the streets and alleys or public grounds of said addition or subdivision for the public use, reserve to themselves, their heirs or assigns, the right to quarry or dig any rock, coal or other mineral, or any reservation whatever in said streets, alleys or public grounds. 15th. To provide for the prevention and extinguishment of fires, and to organize and establish fire, and hook and ladder companies; to regulate, restrain or prohibit the erection of wooden buildings within such limits as may be prescribed by ordinance,

To protect private property.

Grant permits and make contracts to mine for coal, etc.

Streams and water courses. Proviso.

Question to be submitted to the legal voters.

City additions.

Proviso, shall not reserve rights.

To provide for prevention, etc., of fires.

Wooden buildings



and to provide for the removal of the same at the expense of the owners thereof when erected and suffered to remain contrary to the ordinances of the city; to regulate and prevent the storing of green hides and the carrying on of manufacturies dangerous in causing or producing fires, injurious to health, or obnoxious or offensive to the inhabitants of said city; to appoint fire marshals, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or the preservation of property exposed to the danger of the same, and in preventing goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance; and to compel the owners of houses and other buildings to have scuttles upon the roofs of any such houses and buildings, and stairs and ladders leading to the same; and to impose a penalty for the violation of any of the provisions of such ordinance. 16th. To regulate and order the cleaning of chimneys. 17th. To regulate the storage of powder, tar, pitch, turpentine, resin, hemp, baled hay, cotton and all other combustible materials, and the storing of lumber in yards, or on lots within the fire limits of the city, as they may be prescribed by ordinance, and the use of lights and candles in stables, shops and other places; to remove or prevent the construction of any fire place, chimney, stove, oven, boiler, kettle, or any apparatus used in any house, building, manufactory or business which may be dangerous in causing or producing fires; to direct the safe construction of deposits for ashes, and to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to ascertain whether any of them are in a dangerous state; and take down or remove buildings, walls, or superstructures that may become insecure or dangerous, and to require the owner of insecure and dangerous buildings, walls, or other erections, to remove or render the same secure and safe at the costs of the owner or owners of such property. 18th. To regulate and prescribe the manner and order the building of partition and parapet and fire walls and partition fences, and to

Dangerous manufacturies.

Fire marshals.

Chimneys.

To regulate the storage of powder, etc.

To take down buildings, etc.

Partition walls.

- regulate and prescribe the construction and building of chimneys, smoke and hot air flues, and smoke stacks.
- Levees, depots.** 19th. To regulate levees, depots, depot grounds and places for storing freight and goods, and to provide for the construction and passage of railways through the streets and public grounds of the city: *Provided*, That no person or company, to whom the right and privilege shall at any time be granted by the mayor and council of such city to construct railroads through the streets of such city, shall have the exclusive privilege to use any of the streets of such city for that purpose, except those streets through which they may actually construct and operate their railway tracks.
- Railways.** 20th. To regulate the crossings of railway tracks and to provide precautions and prescribe rules regulating the same, and to regulate the running of railway engines, cars and trucks within the limits of said city, and to prescribe rules relating thereto, and govern the speed thereof, and to make any other and further provisions, rules and restrictions to prevent accidents at crossings and on the tracks of railways, and to prevent fires from engines; and where such city shall, prior to the passage of this act, have made a contract with any railroad company, or passed an ordinance permitting said railroad company to construct a railroad track across the levee or public grounds of said city, and construct a depot on said levee or public grounds, or extended the time for the completion of said depot, said contract and ordinances are hereby declared to be in full force and legal, valid and binding upon all parties.
- Cattle, hogs, etc.** 21st. To regulate the running at large of cattle, hogs, mules, sheep, goats, dogs and other animals, except milch cows, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibition and the expense of impounding and keeping the same, and of such sale; and to regulate and provide for the taxing of the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinance regulating the same.
- Dogs** 22d. To provide for the erection of all needful pens, pounds and buildings for the use of the city within or without the city limits, and to appoint
- Pounds, etc.**

and confirm keepers thereof, and to establish and enforce rules governing the same. 23d. To require and regulate the planting and protection of shade trees in the streets and on the public grounds of the city, the building of bulkheads, cellar and basement ways, stairways, railways, window and door ways, awnings, hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over and adjoining the street or sidewalk, and all other excavations through and under the sidewalks in said city. 24th. To provide for and cause to be taken an enumeration of the inhabitants of the city. 25th. To provide by ordinance for the election of city officers, and prescribe the manner of conducting the same and the returns thereof, and for deciding contested elections in any manner not in conflict with existing laws. 26th. To provide for removing officers of the city for misconduct, and to create any office or employ any agent they may deem necessary for the good government and interests of the city. 27th. To regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinances, and provide for the recovery and collection thereof, and in default of payment to provide for confinement in the city prison, or to hard labor in the city. 28th. To regulate and prescribe the duties, powers and compensation of all officers and servants of the city not herein provided for. 29th. To require of all officers and servants elected or appointed in pursuance of this act, bonds and security for the faithful performance of their duties. 30th. To borrow money on the credit of the city, and pledge the revenue and public property of the city for the payment thereof: *Provided*, That there shall not be paid directly or indirectly, or [on] any indebtedness that may hereafter accrue, a greater rate of interest than seven per cent. per annum, nor shall a greater debt hereafter be contracted in any one year than ten thousand dollars in the aggregate, unless two-thirds of the votes cast at any election, to be held for that purpose, authorize the same to be done. 31st. To appropriate money and provide for the payment of the debts and expenses of the city, and in furtherance thereof to buy such city's outstanding bonds,

Shade trees.

Structures adjoining the street.

Census.

City election.

To remove officers, etc.

To regulate police.

To regulate the duties of officers.

To require bonds, etc., of officers.

To borrow money and provide for payment thereof.

Provide: no interest to be greater than seven per cent.

No greater debt than ten thousand dollars in one year, unless authorized by two-thirds of the legal voters.

To appropriate money.

or to issue new bonds in lieu thereof at such discount as may be agreed on. 32d. To elect one of their own body, who shall be styled "president of the council," and who shall preside at all meetings of the council, in the absence of the mayor; and in the absence of the president of the council, to select one of their own body to occupy his place temporarily, who shall be styled "acting president of the council," and the president and acting president, when occupying the place of the mayor, shall have the same powers as the mayor, and shall also have the same privileges as other members of the council. It shall be the duty of the mayor and council to protect the owners of graded lands from all damages resulting from the wash of earth from the ungraded lands, and may provide for the assessment and collection of taxes on such real estate, and for the sale and conveyance thereof to pay the expense of keeping such graded lands free from all obstructions and accumulations as herein provided.

Section twenty-three amended.

To make certain improvements.

Protest to be filed within twenty days.

SEC. 2. That section twenty-three of an act entitled an act to incorporate cities of the first class, approved February 24, 1868, is hereby amended so as to read as follows: Section 23. When the city council shall deem it necessary to open, widen, extend, grade, pave, macadamize, bridge, curb, gutter, or otherwise improve any street, alley, avenue or lane, or construct any sidewalk or crossings, either where the sidewalk is already built, or where it may be declared necessary to construct a sidewalk, with or without crossings, within the limits of the city, for which a special tax is to be levied as herein provided, such council shall, by resolution, declare such work or improvement necessary to be done, and such resolution shall be published once each week for four consecutive weeks in some daily newspaper of the city, and if a majority of the persons who own such property reside in the city, (except persons claiming an interest in such property by reason of tax titles,) and whose property is liable to be taxed for such work or improvement, shall not, within twenty days thereafter, file with the city clerk of such city their protest against such improvement, then such council shall have power to cause such improvement to be made, and to contract therefor, and to levy and col-

lect the taxes as herein provided: *Provided*, That no resolution for the same improvement shall again be passed by said council within six months after such protest shall have been filed. *And provided further*, That when the mayor and city council shall have declared it necessary, by resolution, as hereinbefore provided, to construct a sidewalk and crossings along any street, alley, avenue or lane in the city, for which a special tax is to be levied as herein provided, and no sufficient protest against said sidewalk and crossings, as herein provided, shall have been filed with the city clerk, the city council shall cause the city engineer to advertise for proposals for doing said work, and at any time prior to the contract being signed for doing said work, the owner or agent of any portion of the property liable to be taxed for said improvement, may construct the sidewalk, under the direction of the city engineer, and to his entire satisfaction and approval, along or in front of such portion of property liable to be taxed as aforesaid; and it shall be the duty of the engineer, in calculating the amount of the tax to be levied for said improvement, to credit the statement which he files with the city clerk, showing the amount of tax due upon each block, lot or piece of ground as hereinafter provided, with the amount of sidewalk so constructed by said owner or agent as aforesaid, but the construction of said sidewalk, by said owner or agent as aforesaid, shall not exempt such lot or lots or pieces of ground from being liable for their proportion of the tax so levied for the construction of the crosswalks and intersections across the cross-streets between the points named in the original resolution, declaring it necessary to construct said sidewalk and crossings.

Proviso.

Proviso: no protest being filed, the mayor and council may contract for the work.

Owner may construct sidewalk, prior to contract being signed.

SEC. 3. That section thirty-one of an act entitled "an act to incorporate cities of the first class, approved February 24, 1868," is hereby amended so as to read as follows: Section 31. Whenever it shall become necessary to appropriate private property for the use of the city, and such appropriation shall be declared necessary by ordinance, the mayor, with the approval of the council, shall appoint three disinterested freeholders of the city, who after being first duly sworn to perform the duties of

Section thirty-one amended.

Private property appropriated how.

their appointment with fidelity and impartiality, shall assess the damage to the owners of the property respectively by such appropriation. Such assessment shall be reported to the council, and when confirmed by them, the damages shall be payable as provided in the next section. Where the owners and parties interested, or their respective estates and interests are unknown, or not fully known to the freeholders, they may report without specifying the names or the estate or interests of such owners.

Section thirty-two amended.

Damages paid.

Proviso: when the title is in dispute, or owner unknown, how to proceed.

SEC. 4. That section thirty-two of an act entitled "an act to incorporate cities of the first class, approved February 24, 1868," is hereby amended so as to read as follows: Sec. 32. Such damages shall be paid to the owners of such property, or deposited with the city treasurer, subject to the order of such owners respectively, before such property shall be taken for the use of the city. *Provided*, That where the title to said property is in dispute, or the owners unknown to said freeholders, it shall only be necessary for the freeholders to report such fact to the city council, together with their assessment of damages as hereinbefore provided, and when said report is accepted and adopted by the council, and the appropriation made by ordinance for the payment of such damages, without specifying the owner or owners' names in either the report of said freeholders or in the ordinance, the city shall have the legal right to enter upon and take possession of said property, and their title to the same shall be perfect and complete, and such city shall not be obliged to deposit said damages specially with the city treasurer payable to the order of the owner, or tender the same to any pretended owner, until the title to said property is determined by the decree of some competent court, and a certified copy of such decree filed with the city clerk, and presented to the city council, or the title and ownership to said property shall be ascertained by the city council, and the city council shall have the right and power to pass a resolution giving notice to all property owners interested in such city, as provided in section two of this act, declaring said work or improvement necessary to be done, without the ownership or title to the property proposed to be improved having first been de-

terminated by the courts, or ascertained by the city council as aforesaid.

SEC. 5. That section fifty-six of said act is hereby amended to read as follows: Sec. 56. The police judge shall have exclusive jurisdiction, and it shall be his duty to hear and determine all offenses against the ordinances of the city, and of misdemeanors under the laws of the state, arising within the limits of the city, or when the fine which may be imposed does not exceed five hundred dollars, or the imprisonment one year; but whenever any offense may be prosecuted under a city ordinance it shall be prosecuted under such ordinance and not under the laws of the state. The police judge shall also have the exclusive jurisdiction for the examination of offenders against the laws of the state for offenses arising within the city limits.

Section fifty-six amended.  
Jurisdiction of police judge.

SEC. 6. The original section 56 of said act, and section four (4,) of an act entitled an act to amend an act to incorporate cities of the first class, approved February 24, 1868, approved March 3, 1869, are hereby repealed.

Repealed.

SEC. 7. No city officer shall appoint a deputy or assistant in his office, without said deputy or assistant being first confirmed by the mayor and council, who may remove him at pleasure; and every person elected to any city office shall give his entire personal attention to the duties of said office.

Officers.

SEC. 8. Section one hundred and ten (110,) of said act is hereby amended so as to read as follows. Sec. 110. The several city officers hereinafter named, of any city governed by this act, shall receive the compensation fixed by this act and no more, either directly or indirectly. First, The mayor shall receive the sum of fifteen hundred dollars per annum. Second, The city clerk shall receive the sum of two thousand five hundred dollars per annum, which shall be in full for his own services and the services of any deputy, clerk or assistant that may be necessary for the proper transaction of business of his office. Third, The treasurer shall receive the sum of two thousand five hundred dollars per annum, which shall be in full for his own services and the services of any deputy,

Section one hundred and ten amended.

Compensation.

Mayor.

City Clerk.

Treasurer.

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Police judge.             | clerk or assistant that may be necessary for the proper transaction of the business of his office. Fourth, The police judge shall receive the sum of two thousand dollars per annum and no other fees or perquisites whatever,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Marshal.                  | either directly or indirectly. Fifth, The marshal shall receive the sum of two thousand dollars per annum, which shall be in full for the services of himself and any deputy, clerk or assistant that may be necessary for the transaction of the business of his office, and neither the said marshal nor his deputy, clerk or assistant, shall hold any appointment, deputation or authority from any other officer of the city, township or county. Sixth, The engineer shall receive the sum of two thousand dollars per annum. Seventh, The attorney shall receive the sum of eighteen hundred dollars per annum, and shall not receive any other fees or perquisites, and no allowances shall be made for other legal services to an assistant attorney or counsel in any action, matter or proceeding in which the city is a party or interested unless concurred in by three-fourths of the members elected to the council. Eighth, The street commissioners shall receive the sum of one thousand dollars per annum, and shall not be allowed or receive any other fees or perquisites whatever. Ninth, The weigh master shall receive the sum of eight hundred dollars per annum, and shall not be allowed any fees or perquisites. Tenth, The market master shall receive the sum of nine hundred dollars per annum, and shall not be allowed any other fees or perquisites. Eleventh, The council may appropriate a sum not exceeding three hundred dollars in any one month in the aggregate for services rendered in such month by members of the council or committees, or otherwise, and the councilmen shall not receive any other or further compensation, either directly or indirectly. Twelfth, Each policeman shall receive a stated salary not exceeding one hundred dollars per month, and shall not be allowed any other fees or perquisites, or be allowed any fees as a witness, or otherwise, in any case before the police judge. |
| Engineer.                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Attorney.                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Street commis-<br>sioner. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Weigh master.             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Market master.            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Councilmen.               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Policemen.                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Repealed.                 | SEC. 9. The original section 110 of said act, and also section three (3), of an act entitled "an act to amend an act to incorporate cities of the first class, approved Feb-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |



ruary 24, 1868, approved March 8, 1869, amending said section 110, are hereby repealed.

SEC. 10. That for every omission or violation of any <sup>Penalties.</sup> of the provisions of this act, whether in an official capacity, or otherwise, the parties so offending shall be guilty of a misdemeanor, and liable to a fine of five hundred dollars and imprisonment for six months for any such offense, and it shall be the duty of the city attorney to prosecute the party or parties thus offending, upon being notified of such offense.

SEC. 11. That the original sections fifteen, twenty- <sup>Repealed.</sup> three, thirty, thirty-one, thirty-two and fifty-six of said act, and also sections one, two, four, five and six of an act entitled "an act to amend an act entitled an act to incorporate cities of the first class," approved March 3, 1869, are hereby repealed.

SEC. 12. Immediately after the passage of this act, it shall be published once in the *Kansas Weekly Commonwealth*, and shall take effect and be in force from and after such publication.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XLVIII.

## CITIES OF THE SECOND CLASS.

AN ACT amendatory of and supplementary to an act to incorporate cities of the second class, approved February 28, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

Every school district a body corporate.

SECTION 1. Every school district, organized in pursuance of this act, shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of school district No. —, of the county of —, of the state of Kansas, and in that name may sue and be sued, and be capable of contracting and being contracted with, of holding and conveying such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this act.

May sue and be sued.

SEC. 2. That section 58, of an act entitled an act to incorporate cities of the second class, approved February 28, 1868, be amended as to read: SEC. 58. The board of education, at its regular meeting in May of each year, shall organize by the election of a president and vice president from among its own members, each of whom shall serve for the term of one year, or until their successors are elected and qualified; they shall also elect a clerk and treasurer, who shall hold their office during the pleasure of the board, and who shall receive such compensation for their services as the board may allow.

Board of education shall organize, how.

SEC. 3. That section 59 of said act be amended so as to read: SEC. 59. It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys.

Duties of president.

SEC. 4. That section 61 of said act be amended as to read: SEC. 61. It shall be the duty of the clerk to be

Duty of clerk.

present at all meetings of the board, to keep an accurate journal of its proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the treasury by order of the board of education, and perform such other duties as the board of education or its committees may require.

SEC. 5. That section 63 of said act be amended so as to read: Sec. 63. The treasurer shall prepare and submit, in writing, a monthly report of the state of the finances of the district, and shall, when required, produce at any meeting of the board, or to any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office; he shall pay moneys only upon a warrant signed by the president, or in his absence by the vice president, and countersigned by the clerk, and shall execute a bond in such sum as the board may require, with sufficient sureties, to be approved by the board, conditioned for the faithful discharge of his duties as treasurer to said board. Duty of treasurer

SEC. 6. That section 64 of said act be amended so as to read: Sec. 64. No member of the board of education shall receive any pay or emolument for his services as such.

SEC. 7. That section 65 of said act be amended so as to read: Sec. 65. The board of education, at such times as they shall deem expedient, shall elect a superintendent of schools, whose duty it shall be to have a general supervision of the schools of the city, subject to the rules and regulations of the board, who shall hold his office during the pleasure of the board, and shall receive such compensation as that body may allow; the board shall also appoint two competent persons who, with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person shall be selected by the board as teacher who cannot produce a certificate from the examining committee, signed by all or a majority of them, and setting forth that such a person is competent to teach in such department of the public schools as may be stated in the certificate, and is a person of good moral character. Board shall appoint superintendent of schools and examining committee.

**Tax to be levied.** SEC. 8. That section 67 of said act be amended so as to read: Sec. 67. The board of education shall, on or before the 15th day of August of each year, levy a tax for the support of the schools of the city for the fiscal year next ensuing, not exceeding in any one year six mills on the dollar, on all personal, mixed and real property within the district, which is taxable according to the laws of the state of Kansas, which levy the clerk of the board shall certify to the county clerk, who is hereby authorized and required to place the same on the tax roll of said county, to be collected by the treasurer of the county, as are other taxes, and paid over by him to the treasurer of the board of education, of whom he shall take receipts in duplicate, one of which he shall file in his office, and the other he shall forthwith transmit to the clerk of the board of education.

**Taxes, how paid.** SEC. 9. That section 68 of said act be amended so as to read: Sec. 68. All taxes collected for the benefit of the schools shall be paid in money, and shall be placed in the hands of the treasurer subject to the order of the board of education.

**May borrow money.**  
**May issue bonds.**  
**Interest not to exceed ten per cent. per annum.**  
**Payable when.**  
**To be sold at what price.**  
**Provide.**  
**The question shall be submitted at an election called for that purpose.**

SEC. 10. That section 76 of said act be amended so as to read: Sec. 76. Whenever it shall be deemed necessary by the board of education in order to raise sufficient funds for the purchase of a school site or sites, or to erect a suitable building or buildings thereon, or to fund any bonded indebtedness of district, it shall be lawful for the board of education of every city coming under the provisions of this act, to borrow money, for which they are hereby authorized and empowered to issue bonds, bearing a rate of interest not exceeding ten per cent. per annum, payable annually or semi-annually, at such place as may be mentioned upon the face of said bonds, which bonds shall be payable in not more than twenty years from their date, and the board of education is hereby authorized and empowered to sell such bonds at not less than eighty-five cents on the dollar: *Provided*, That no bonds shall be issued until the question shall be submitted to the people, and a majority of the qualified electors, who shall vote on the question at an election called for

that purpose, shall have declared by their votes in favor of issuing such bonds.

SEC. 11. It shall be the duty of the mayor of each city governed by this act, upon the request of the board of education, forthwith to call an election, to be conducted in all respects as are the elections for city officers, in the same cities, except that the returns shall be made to the board of education, for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation for such election the amount of bonds asked for and the purpose for which they are to be issued.

Mayor shall call an election.

Returns to be made to board of education.

SEC. 12. That section 78 of said act be amended so as to read: Section 78. The board of education, at the time of its annual levy of taxes for the support of schools, as provided in section 67 of this act as hereinbefore amended, shall also levy a sufficient amount to pay the interest, as the same accrues, on all bonds issued under the provisions of this act, and also to create a sinking fund for the redemption of said bonds, which it shall levy and collect in addition to the rate per cent. authorized by the provisions of said section for school purposes; and said amount of funds, when paid into the treasury, shall be and remain a specific fund for said purpose only; and shall not be appropriated in any other way except as hereinafter provided.

Section seventy-eight amended.

Shall levy tax to pay interest and create sinking fund.

To remain a specific fund.

SEC. 13. That section 79 of said act be amended so as to read: Section 79. All moneys, raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under this article, shall be invested annually by the board of education in bonds of the State of Kansas or in the United States bonds, or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par.

Section seventy-nine amended.

Sinking fund shall be invested, how.

SEC. 14. That original sections 14, 58, 59, 61, 63, 64, 65, 67, 68, 70, 71, 76, 78 and 79 of the act of which this act is amendatory and supplementary thereto are hereby repealed.

Sections repealed.

SEC. 15. This act shall take effect and be in force from

and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XLIX.

### CITIES OF THE SECOND CLASS.

AN ACT authorizing the citizens of certain towns therein named to incorporate as cities of the second class.

*Be it enacted by the Legislature of the State of Kansas :*

May hold a special election to elect what officers.

Proviso.  
A majority of legal voters shall petition to become a city of the second class.

Proviso, said town to have two thousand inhabitants.

SECTION 1. That the town of Olathe, in Johnson county, and Iola and Humboldt, in Allen county, and Emporia, in Lyon county, are hereby authorized and empowered, through and by their boards of trustees, to hold a special election for the purpose of electing a mayor, a police judge, a marshal and two councilmen for each ward into which said towns shall be divided, as hereinafter provided: *Provided*, A majority of the legal voters of said towns and the additions thereto, if any, collectively, shall sign a petition praying the board of trustees to be incorporated as a city of the second class: *And provided*, Said board of trustees shall have previously ascertained that said towns and the additions thereto contain two thousand inhabitants or upwards.

SEC. 2. Within twenty days' after the petition referred to in section one of this act shall have been passed upon

by the board of trustees of said towns, said board of trustees shall pass an ordinance dividing said towns and the additions thereof into wards, and providing for the holding of an election in each ward for the election of a mayor, a police judge, a marshal and councilmen, as provided in section one of this act; which elections shall be conducted and governed as are elections in cities of the second class.

shall create wards and provide for the election of what officers.

SEC. 3. When said towns of Olathe, Iola, Humboldt and Emporia, or any or either of them, shall have complied with all the provisions of this act, then and thereafter said town or towns so complying shall be deemed a city of the second class, and shall be deemed to have acquired all the rights, privileges and immunities accruing to cities of the second class, by virtue of an act of the legislature, entitled an act to incorporate cities of the second class, approved February 28th, 1868.

shall be deemed cities of the second class, when.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER L.

## CONSOLIDATION OF CITIES.

AN ACT for the consolidation of cities.

*Be it enacted by the Legislature of the State of Kansas:*

May consolidate,  
how.

SECTION 1. Whenever two or more adjacent cities of the second class desire to consolidate themselves together so as to form but one city, such consolidation may be made in the manner hereinafter prescribed.

Mayor and councilmen shall meet in joint session, and provide by joint ordinance for consolidation.

SEC. 2. The mayor and councilmen of the several cities so desirous of consolidating, shall meet in joint session and provide by joint ordinance for such consolidation, on the terms, conditions and restrictions hereinafter provided; but the details necessary to carry out the provisions herein shall be provided for by such joint ordinance.

Joint session shall not assemble, unless a majority of citizens, by vote, favor consolidation.

SEC. 3. The mayor and councilmen of the city that is to surrender its name, as herein provided, shall immediately upon the publication of this act submit the question of consolidation to the legal voters thereof, giving not less than five nor more than ten days' notice, by proclamation of the mayor, of such election; and if it shall appear from such vote that there is a majority in such city opposed to consolidation, then such joint session shall not assemble.

Name of consolidated city.

SEC. 4. The name of the consolidated city shall be the name of the city having the greatest population, composing a part of the consolidated city, the population to be determined by the enumeration taken by the county assessors at the last preceding assessment.

Boundary of same.

SEC. 5. The boundary of the consolidated city shall be the boundary line round the outside of the several adjacent cities; but the original boundary lines between the several cities shall be void.



SEC. 6. The number of wards of the consolidated city shall be equal to the aggregate number of wards of the several cities at the time the consolidation takes effect. Number of wards.

SEC. 7. The boundaries of the wards of the consolidated city shall remain as they were at the time the consolidation takes effect, until changed by the mayor and councilmen of the consolidated city. Boundaries of wards.

SEC. 8. The consolidated city shall constitute one school district; but the mayor and councilmen thereof, with the assent of the board of education, may divide such city into two or more school districts, as they may deem expedient. School districts.

SEC. 9. Such consolidated city shall constitute a district for police jurisdiction, as provided for cities of the class to which such city may belong. Police jurisdiction.

SEC. 10. The consolidated city shall constitute a township for the election of justices of the peace and constables. Township, for what purposes.

SEC. 11. The councilmen and members of the board of education of any ward of any city composing a part of the consolidated city, whose terms of office may not have expired at the time when the consolidation takes effect, shall hold over and be councilmen and members of the board of education of their wards, respectively, in and for the consolidated city, until the expiration of the terms of office for which they were respectively elected: *Provided*, That no ward of the consolidated city shall have a greater number of councilmen or members of the board of education, in the aggregate, than the lowest number in office in any one ward of any original city composing a part of the consolidated city, at the time when the consolidation takes effect. Councilmen and members board of education shall hold over until expiration of their terms.

SEC. 12. Justices of the peace of any city composing a part of the consolidated city, whose terms of office may not have expired at the time when the consolidation takes effect, shall hold over and be justices of the peace in and for the consolidated city until the expiration of the terms for which they were originally elected. Justices of the peace shall hold over.

SEC. 13. All just and legal debts, claims and demands existing against any original city, composing a part of the Just and legal debts, licenses, contracts and appropriations made

by any original city shall be carried out by consolidated city.

consolidated city, all bonds, licenses, permits and certificates issued by any such original city, all contracts made with, and appropriations made by, any such original city, all orders drawn on the treasurer of any such original city before the time when the consolidation takes effect, shall be fully assumed, allowed, completed, carried out, approved, ratified, satisfied and paid according to the terms, tenor and effect thereof by the consolidated city:

Proviso.

No new debt shall be incurred by any original city, after the passage of the joint ordinance and before consolidation, except what.

*Provided*, That no new debt shall be incurred by any city intended to compose a part of the consolidated city after the passage of the joint ordinance and before the time when the consolidation takes effect, except for the payment of the expenses for carrying on the respective city governments; but this proviso shall not be construed nor held to prevent the carrying out and completion of contracts made or improvements ordered or commenced before the passage of the joint ordinance, nor to prevent issuing orders or bonds for the purpose of paying or funding any and all indebtedness existing, contracted for or ordered, or appropriations made before the time when such joint ordinance is passed.

Debts owing to original city shall be paid to consolidated city.

SEC. 14. All debts, claims and demands due or owing to any city composing a part of the consolidated city at the time when the consolidation takes effect, shall be paid to and collected by such consolidated city.

Actions in law.

SEC. 15. All actions at law, pending in any court in favor of or against any city composing a part of the consolidated city at the time when the consolidation takes effect, shall be prosecuted or defended by and in the name of such consolidated city.

Property.

SEC. 16. All buildings, cemeteries and property of whatsoever kind, belonging to any city composing a part of the consolidated city at the time when the consolidation takes effect, shall be the property of the consolidated city, and be under the care and control of the mayor and councilmen thereof.

Officers elected, how.

SEC. 17. Officers for the consolidated city, except those holding over as hereinbefore provided, shall be elected by and for the consolidated city at the first regular annual election of officers for second class cities: *Pro-*

vided, That the consolidation shall be agreed upon at Proviso.  
least ten days prior to such election, by joint ordinance,  
as heretofore provided.

SEC. 18. Officers elected for the consolidated city, as Officers shall take their offices, and consolidation take place, when.  
provided in the preceding section, shall take their offices,  
and the consolidation shall take effect at such time as  
may be agreed and provided in said joint ordinance.

SEC. 19. Until the consolidation shall take effect, and Until consolidation takes effect, each city shall retain its separate organization.  
the officers for the consolidated city take their offices as  
provided in said joint ordinance, each of the cities intend-  
ing to compose the consolidated city shall retain its sepa-  
rate organization, and its present officers shall retain their  
respective offices.

SEC. 20. The schools of the consolidated city shall be Schools.  
under the care and control of the board of education of  
such consolidated city from and after the time when the  
consolidation takes effect.

SEC. 21. The taxes, heretofore levied by the several Taxes.  
cities intended to compose the consolidated city, shall be  
paid over by the county treasurer to the respective city  
treasurers, the same as if such consolidation was not  
contemplated; but after such consolidation takes effect,  
then any money due to any of the original cities and  
remaining in the hands of the county treasurer, or com-  
ing into his hands, shall be paid by him to the treasurer  
of the consolidated city.

SEC. 22. The act governing cities of the class to which Law to govern consolidated city.  
the consolidated city may belong, shall apply to and be  
the law governing such consolidated city, except as other-  
wise herein provided.

SEC. 23. The mayor and councilmen of the consol- Census may be taken.  
idated city shall have the power, at such time as they  
may deem expedient, to cause the census of such consoli-  
dated city to be taken, and if it shall appear therefrom  
that such city has sufficient population to become a city  
of the first class, then the mayor and councilmen thereof May become a city of the first class, how.  
may, by ordinance, declare such city to be a city of the  
first class, and from and after the publication of said  
ordinance, such city shall be a city of the first class, and  
be governed by all the laws applicable thereto. Its officers

shall remain in office until the expiration of the terms of office for which they were respectively elected, and be clothed with all the powers, rights, and jurisdiction of officers of cities of the first class, but their compensation and salaries shall be only such as may be fixed by ordinance.

Ordinances, rules  
and regulations,  
to remain in force.

SEC. 24. The ordinances, rules and regulations of the city whose name is retained as the name of the consolidated city, shall remain in force in and for the consolidated city after the time when the consolidation takes effect.

Books and  
records.

SEC. 25. All officers of any of the original cities having books, papers, journals, records, bonds, funds, moneys or effects in their hands at the time when the consolidation takes effect, shall deliver the same to their respective successors in office on demand by such successors.

President and  
secretary of joint  
session shall be  
when.

SEC. 26. The president and secretary of the joint session hereinbefore provided for, shall be the mayor and clerk of the city represented in said joint session having the greatest population, as shown by the returns of the last enumeration taken by the county assessor of the county wherein such adjacent cities lie, if they are present; but if they are not present, then the mayor and clerk of any other city so represented in said joint session shall be president and secretary; and if the latter are not present, then the joint session may elect a president and secretary from the councilmen present.

Joint session may  
be held when and  
where.

May adjourn from  
day to day.

SEC. 27. The joint session may be held at such time and place in either city as may be agreed upon by the respective councils, and may be adjourned from day to day until the business for which it assembles has been completed.

Parliamentary  
rules to be ob-  
served.

SEC. 28. The parliamentary rules, observed in legislative bodies generally, shall be the rules governing the proceedings in such joint session.

Rates of repre-  
sentation.

SEC. 29. On all preliminary questions in the joint session, the rates of representation shall be by wards, each ward having as many votes as the greatest number of councilmen elected in any one ward of either of the original cities; but on the final passage of the joint ordinance there must be a majority of each council to give such ordinance validity.

SEC. 30. The joint ordinance shall be signed by the president and attested by the secretary, and be published, immediately after its passage, in a newspaper published in one of the cities intended to compose a part of the consolidated city.

Joint ordinance shall be signed and attested by whom.

Shall be published, when and where.

SEC. 31. If the joint ordinance is passed, as herein provided, then the president of the joint session shall issue his proclamation pursuant to the provisions of such ordinance calling an election for officers for the consolidated city on the day and in the manner prescribed by law for the election of officers of second class cities, such proclamation to be issued at least ten days prior to such election, and published as provided for the publication of said joint ordinance.

An election for officers of consolidated city shall be called, when.

SEC. 32. The mayor and councilmen of the consolidated city shall make the appointments of all officers required or allowed by law to be appointed for second class cities, as soon as may be after the time when the consolidation takes effect.

Appointment of officers.

SEC. 33. The joint session may be called by concurrent resolution of the several councils of the cities desirous of being consolidated.

Joint session may be called, how.

SEC. 34. This act shall take effect and be in force from and after its publication one time in the *Lawrence Republican Daily Journal*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Lawrence Republican Daily Journal* March 9, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LI.

## CITIES OF THE FIRST CLASS.

AN ACT to amend an act entitled an act to incorporate cities of the first class, approved February 24, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

Section thirty amended.

Special tax a lien on lots and ground.

SECTION 1. That section thirty of an act entitled "an act to incorporate cities of the first class," approved February 24, 1868, be amended so as to read as follows, to-wit: Section 30. Special taxes shall be a lien on the lots and pieces of ground subject to the same when the amount thereof shall have been ascertained, and in case any error, irregularity or omission shall occur in the proceedings in reference to such improvement or the levying and collecting of such tax, proceedings may be taken anew to obviate any such error, irregularity or omission, and in all cases in which such error, irregularity or omission shall occur, or has heretofore occurred, the fair proportion of the cost of such work shall not be avoided by any property holder, who did not, by notice in writing to the contractor doing the same, protest against such work being done before the same was or shall be completed in front of or adjacent to his property; but such tax, with the interest and penalty provided by law at the time the same was or shall be done, shall be a lien on such property.

If owners of lots avoid payment of special tax on account of irregularity or omissions, the mayor

SEC. 2. That in all cases in which a special tax has heretofore been attempted to be levied and collected for the payment of the costs and expenses of any improvement, in which it would have been at the time legal to levy and collect the same off of the lots and pieces of ground in front of or adjacent thereto, and in which the owners of part of the property in front or adjacent thereto have paid there proportion of such tax attempted to be levied and collected, and the owners of other lots or pieces of ground have avoided the payment of their just share of such special tax by reason of any irregularity or

omission, or in which the city has been or shall be adjudged to pay the same or any part of it, or shall have paid any part of such special tax, it shall be the duty of the mayor and council of such city to levy and collect the remaining portion of such special tax and interest and penalty thereon, from the time the same would have been due by the original ordinance levying the same on the lots and pieces of ground that would have been subject thereto, if no such error, irregularity or omission had occurred.

and council shall collect such tax, with interest and penalty thereon.

SEC. 3. That proceedings for the collection of taxes provided for in this act, shall be by ordinance, and shall conform as near as may be to the law now in force for the collection of special taxes, and the mayor and council shall have power to provide for the sale of such lots and pieces of ground for the payment thereof: *Provided*, That the parties entitled to collect the same may enforce their lien therefor by proceedings in any court of competent jurisdiction.

The mayor and council shall have power to provide for sale of lots for payment of tax.

SEC. 4. That the original section thirty, of an act entitled "an act to incorporate cities of the first class," approved February 24, 1868, be and the same is hereby repealed: *Provided*, That no rights accruing or accrued under said section shall be affected by this repeal.

Original section thirty repealed.

No rights under said section shall be affected by repeal.

SEC. 5. This act shall be in force from and after its passage and publication once in the *Kansas Weekly Commonwealth*.

Approved February 17, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, February 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LII.

## CORPORATIONS—PRIVATE.

AN ACT to amend an act entitled "an act concerning private corporations," approved February 29th, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

No insurance company shall issue a policy until a statement is filed in the office of secretary of state, showing that twenty per cent. of its capital is paid in, etc.

SECTION 1. That section 91 of article 10, of the act to which this is amendatory, be amended so as to read as follows: Section 91. No insurance company shall, in its corporate capacity, issue any contract for, or policy of insurance, until there is filed in the office of the secretary of state a statement verified by the oath of at least three of its corporators, showing that at least twenty (20) per cent. of the capital of such company has been actually paid in and is possessed by it in current money, and that for the remainder of its capital there are in its possession and under its control notes of its stockholders secured by at least two sufficient sureties, or by mortgages on unincumbered real estate, within this state, worth at least twice the amount of such notes.

SEC. 2. This act shall take effect from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER LIII.

## CONCERNING PRIVATE CORPORATIONS.

AN ACT to amend section five of an act entitled an act concerning private corporations, approved February 29th, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section five of said act be so amended as to read as follows: The purposes for which the private corporations mentioned in the last section may be formed, are: first, the support of public worship; second, the support of any benevolent, charitable, educational or missionary undertaking; third, the support of any literary or scientific undertaking; the maintenance of a library, or the promotion of painting, music, or other fine arts; fourth, the encouragement of agriculture and horticulture; fifth, the maintenance of public parks, and of facilities for skating and other innocent sports; sixth, the maintenance of a club for sociable enjoyment; seventh, the maintenance of a public or private cemetery; eighth, the prevention and punishment of theft or wilful injuries to property, and assurance against such risks; ninth, the insurance of human life and dealing in annuities; tenth, the insurance of human beings against sickness or personal injury; eleventh, the insurance of the lives of domestic animals, or against their loss by theft or other means; twelfth, the insurance of property against marine risks; thirteenth, the insurance of property against loss or injury by fire, or by any risk of inland transportation; fourteenth, the purchase, location and laying out of town sites, and the sale and conveyance of the same in lots and subdivisions, or otherwise; fifteenth, the construction and maintenance of a railway and of a telegraph line in connection therewith; sixteenth, the construction and maintenance of any other species of road, and of bridges in connection therewith; seventeenth, the construction and maintenance of a bridge; eighteenth,

the construction and maintenance of a telegraph line; nineteen, the establishment and maintenance of a line of stages; twentieth, the establishment and maintenance of a ferry; twenty-first, the building and navigation of steamboats, and carriage of persons and property thereon; twenty-second, the supply of water to the public; twenty-third, the manufacture and supply of gas, or the supply of light or heat to the public by any other means; twenty-fourth, the transaction of any manufacturing, mining, mechanical or chemical business; twenty-fifth, the transaction of a printing and publishing business; twenty-sixth, the establishment and maintenance of a hotel; twenty-seventh, the accumulation and loan of funds to members, the erection of buildings and the accumulation and loan of funds for the purchase of real property; twenty-eighth, the improvement of the breed of domestic animals, by importation, sale or otherwise; twenty-ninth, the transportation of goods, wares and merchandise, or any valuable thing; thirtieth, the promotion of immigration; thirty-first, the construction and maintenance of sewers; thirty-second, the construction and maintenance of a street railway; thirty-third, the erection and maintenance of market houses and market places; thirty-fourth, the construction and maintenance of canals for the purpose of irrigation or manufacturing purposes.

Section five re-  
pealed.

SEC. 2. Section five of the act to which this act is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State,*

## CHAPTER LIV.

## DISTRICT COURTS.

AN ACT to amend an act entitled "an act to amend an act entitled an act concerning district courts, approved February 26, 1867," approved March 2, 1869.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section 9 of an act entitled "an act to amend an act entitled an act concerning district courts, approved February 26, 1867," approved March 2, 1869, be amended so as to read as follows: "Sec. 9. That the terms of court for the tenth judicial district shall be Terms of court. as follows: In the county of Wyandott, on the first Mondays in March, June and October; in the county of Johnson, on the first Mondays in April, August and November; in the county of Miami, on the first Mondays in May, September and December.

SEC. 2. All summonses, subpoenas, recognizances, and all other processes, which may have been or may be issued and made returnable to the terms of the district court in the counties named in the first section of this act, as heretofore required to be held, shall be deemed and taken to be returnable to the terms of the district court in the respective counties as herein required to be held; and all notices which may have been given, either by publication or otherwise, with reference to the terms of said district court as heretofore required to be held, shall, by force of this act, refer to the terms of court required to be held under this act; and all proceedings pending in said court shall be taken up and proceeded with at the terms herein specified for the holding of said courts as if no alteration had been made in the times of holding said courts.

SEC. 3. That this act shall take effect and be in force from and after its publication in the "*Commonwealth*,"

Approved January 26, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* February 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LV.

### DISTRICT COURT—EIGHTH JUDICIAL DISTRICT.

AN ACT to provide for additional terms of the district court for the eighth judicial district.

*Be it enacted by the Legislature of the State of Kansas :*

Terms of court.

SECTION 1. That there shall be held terms of the district court in the eighth judicial district, commencing as follows: In the county of Dickinson on the fourth Monday in April in each year; in the county of Clay on the second Monday of May in each year; in the county of Cloud on the third Monday in May and second Monday in November in each year, in addition to those already provided for.

Cloud county detached from Clay.

SEC. 2. The county of Cloud is hereby detached from the county of Clay.

Judge shall appoint a clerk.

SEC. 3. It shall be the duty of the judge of the district court for the eighth judicial district to appoint a clerk of the district court for the county of Cloud who shall hold his office until his successor is elected and qualified.

Duty of the clerk.

SEC. 4. It shall be the duty of the clerk of the district court for the county of Clay to make out and transmit to the clerk of the district court for the county of Cloud a

certified transcript of the record and proceedings in all actions pending in the district court of Clay county from the county of Cloud.

SEC. 5. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 15, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, February 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER LVI.

### DISTRICT COURT—SECOND JUDICIAL DISTRICT.

AN ACT to change the time of holding the terms of the district court in the second judicial district, and to repeal section 2 of chapter 36 of the laws of 1869.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The terms of the district court for the Terms of court. second judicial district shall commence as follows: In the county of Atchison, on the first Monday in March, second Monday in June, and second Monday in November; in the county of Doniphan on the fourth Monday in March, second Monday in September, and second Monday in December; in the county of Brown, on the second Monday in April and the first Monday in October; in the county of Nemaha, on the third Monday in April

and on the second Monday in October; in the county of Marshall on the fourth Monday in April and on the third Monday in October; in the county of Washington, on the first Monday in May and on the fourth Monday in October.

Summons, etc., returnable to terms district court, as heretofore required to be held, shall refer to the terms of court required to be held under this act.

SEC. 2. All summonses, subpoenas, recognizances, and all other processes, which may have been or may be issued and made returnable to the terms of the district court in the counties named in the first section of this act, as heretofore required to be held, shall be deemed and taken to be returnable to the terms of the district court in the respective counties as herein required to be held, and all notices which may have been given either by publication or otherwise, with reference to the terms of said district court as heretofore required to be held, shall by force of this act refer to the terms of court required to be held under this act; and all proceedings pending in said court shall be taken up and proceeded with at the terms herein specified for the holding of said courts, as if no alteration had been made in the times of holding said courts.

Pending proceedings, how taken up.

SEC. 3. Section 2 of chapter 36 of the laws of 1869, entitled "an act to amend an act entitled an act concerning district courts," approved February 26th, 1867, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 17, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* February 24, 1870.

THOMAS MOONLIGHT,  
Secretary of State,

## CHAPTER LVII.

## SUPREME COURT.

AN ACT to amend section 5 of an act entitled "an act relating to the supreme court," approved February 25, 1868, and to repeal an act entitled "an act to amend an act entitled an act relating to the supreme court, approved March 3, 1869.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section five of chapter twenty-seven <sup>Amendment.</sup> of the general statutes be amended so as to read: Sec.

5. The supreme court may, on special occasions, when <sup>Supreme court shall appoint a marshal.</sup> necessity shall require, appoint a marshal who shall have power to serve processes, and shall perform such other duties as may be required of him by the court, or enjoined by law; he shall take the usual oath of office, and give such bond as may be required by the court.

SEC. 2. Chapter 41 of the laws of the state of Kansas, <sup>Act repealed.</sup> passed at the ninth session of the legislature, entitled an act to amend an act entitled an act relating to the supreme court, approved March 3, 1869, is hereby repealed.

SEC. 3. This act shall take effect from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LVIII.

DISTRICT COURT—FIRST JUDICIAL DISTRICT  
AND CRIMINAL COURT, LEAVENWORTH  
COUNTY.

AN ACT authorizing the appointment of a stenographer for the district court of the first judicial district of the state of Kansas and the criminal court of Leavenworth county.

*Be it enacted by the Legislature of the State of Kansas:*

The judge may  
appoint a steno-  
grapher.

SECTION 1. The judge of the district court of the first judicial district of the state of Kansas, may appoint a stenographer, who shall be an officer of the court and shall take and subscribe the same oath as is required of other officers in this state, and shall hold his office during the pleasure of the court appointing him.

Duties of.

SEC. 2. It shall be the duty of the stenographer, so appointed, to take, under the direction of the judge of said court, full stenographic notes of all evidence and oral proceedings in every case tried before said court, where the judge may direct or the parties to the action may agree.

Pay of.

SEC. 3. The stenographer so appointed shall be paid for his services the sum of fifteen cents per folio of one hundred words so reported, which shall be taxed as costs in the case, but which shall be due and payable by the losing party in the action immediately upon the decision of the case in the district court; and should either party to the action require a transcript of the whole or any part of the evidence so reported, it shall be the duty of the stenographer to furnish the same upon payment to him by the party ordering the same, the sum of ten cents per folio of one hundred words so transcribed.

Stenographer  
shall furnish  
transcript of evi-  
dence, etc.

Criminal court.

Evidence may be  
taken down, on  
application of  
county attorney.

SEC. 4. The judge of the criminal court of Leavenworth county may, upon the application of the county attorney, order the evidence to be taken down by a stenographer in cases of importance, the expense of the same



to be a charge upon the county, at the rate of twenty-five cents per folio of one hundred words reported and transcribed.

SEC. 5. The act entitled an act authorizing the appointment of a stenographer for the district court in and for Leavenworth county and the criminal court of Leavenworth county, Kansas, approved February 6th, 1867, is hereby repealed. Act repealed.

SEC. 6. This act shall take effect and be in force from and after its publication.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER LIX.

### DISTRICT COURT—SIXTH JUDICIAL DISTRICT.

AN ACT fixing the time for holding the terms of court in the sixth judicial district, and to repeal section 6 of chapter 36 of the laws of 1869.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. The terms of the district court for the sixth judicial district shall be held in each year as follows: Terms of court. In the county of Linn, on the first Monday in April, third Monday in August, and third Monday in November; in the county of Bourbon, on the third Monday in March, second Monday in June, second Monday in September, and second Monday in December.

All processes made returnable to the terms of the district court, as heretofore required to be held, shall refer to the terms of court required to be held under this act.

All proceedings pending to be taken up, how.

SEC. 2. All summons, subpoenas, bonds, recognizances, and all other processes which may have been or may be issued and made returnable to the terms of the district court in the respective counties, as herein required to be held, all notices which may have been given, either by publication or otherwise, with reference to the terms of said court, as heretofore required to be held, or any or either of them, shall, by force of this act, refer to the terms of court required to be held under this act. All proceedings pending in said courts shall be taken up and proceeded with at the terms herein specified for holding of said courts, as if no alteration had been made in the time of holding the same.

SEC. 3. Section 6 of chapter 36 of the laws of 1869, relating to the terms of court for the sixth judicial district, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*; and this act shall be published immediately in the *Fort Scott Monitor*, *Fort Scott Post*, *Border Sentinel*, and *Linn County Press*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870; also, in the *Fort Scott Monitor*, *Fort Scott Post*, *Border Sentinel*, and *Linn County Press*.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LX.

## ELEVENTH JUDICIAL DISTRICT.

AN ACT to create the eleventh judicial district, and to provide for a judge thereof, and for holding the terms of court therein.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The eleventh judicial district is hereby created, to consist of the counties of Crawford, Cherokee, Labette, Montgomery and Howard. Eleventh judicial district.

SEC. 2. The terms of the district court for the eleventh judicial district shall commence in each year as follows : In the county of Crawford on the first Monday of April and third Monday of September; in the county of Cherokee, on the second Monday of April and the first Monday of October; in the county of Labette, on the fourth Monday of April and the third Monday of October; in the county of Montgomery, on the second Monday of May and the second Monday after the third Monday of October; and said county of Montgomery is hereby detached from Wilson county for judicial purposes. The county of Howard is hereby attached to the county of Montgomery for judicial purposes. Terms of court.  
Montgomery county detached from Wilson county.  
Howard county attached to Montgomery county.

SEC. 3. All summonses, subpoenas, bonds, recognizances, and all other processes, which may have been or may be issued and made returnable to the terms of the district court in any or either of the counties hereinbefore named, as heretofore required to be held, shall be deemed and taken to be returnable to the terms of the district court in the respective counties as herein required to be held. All notices which may have been given, either by publication or otherwise, with reference to the terms of said court as heretofore required to be held, or any or either of them, shall, by force of this act, refer to the terms of court required to be held under this act. All proceedings pending in said courts shall be taken up and proceeded with at the terms herein specified for the hold- All processes made returnable to the terms of the district court, as heretofore required to be held, shall refer to the terms of court required to be held under this act.  
Proceedings pending, to be taken up how.

ing of said courts, as if no alteration had been made in times of holding the same.

The governor to appoint a judge.

SEC. 4. The governor is hereby authorized and empowered to appoint a district judge for the eleventh judicial district, whose term shall commence on the first day of April, 1870, and who shall hold his office until his successor is elected and qualified; and who shall, by virtue of said appointment, have all the powers and perform all the duties that are now conferred upon judges of the district court by law.

Judge to be elected at next general election.

SEC. 5. There shall be elected, at the next general election, a judge of the district court for the eleventh judicial district, whose term shall commence on the second Monday of January, 1871. Such judge shall have and exercise all the powers and perform all the duties which are now or may be imposed by law upon judges of the district courts of this state, and he shall hold his office for the term of four years, and until his successor is elected and qualified; and in the year 1874, and every four years thereafter, there shall be elected a judge for the eleventh judicial district for the regular term of four years.

Powers and duties of.

In 1874, and every four years thereafter, judge to be elected.

SEC. 6. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXI.

## CRIMINAL COURT—LEAVENWORTH COUNTY.

AN ACT to amend an act entitled an act to establish a criminal court in Leavenworth county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section first of an act entitled an act to establish a criminal court in Leavenworth county be amended as follows: That there be and hereby is established in the county of Leavenworth a court of record, to be called the criminal court of Leavenworth county, which court shall adopt a seal, and shall have the same jurisdiction of all crimes and misdemeanors committed, or triable, in said county, and the same power to issue writs of *habeas corpus*, and to summon and impanel grand and petit juries in criminal cases, as are now by law conferred upon the district courts of the state; and all laws pertaining to criminal matters in said district courts shall apply to the jurisdiction of, and proceedings in, the court hereby created, to the same extent that they now do to the district courts, and hereafter the district court shall have no criminal jurisdiction in said county, except as to all cases of appeal from justices of the peace and police judges.

Established, a court of record called criminal court of Leavenworth county.

Jurisdiction of.

District court to have no criminal jurisdiction, except in what cases.

SEC. 2. That section one of the act to which this act is amendatory, and all acts and parts of acts inconsistent with this act are hereby repealed.

Repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXII.

## CRIMES AND PUNISHMENTS.

AN ACT to amend section 79 of "the act regulating crimes and punishments."

*Be it enacted by the Legislature of the State of Kansas:*

Convicted, punishable by fine and imprisonment.

SECTION 1. Section 79 of "an act regulating crimes and punishments," is hereby amended as follows, viz: Sec. 79. Persons convicted of grand larceny shall be punished in the following cases as follows: First. For stealing a horse, mare, gelding, colt, filly, neat cattle, mule or ass, by confinement and hard labor not exceeding seven years. Second. In all cases of grand larceny, except as provided in the two succeeding sections, by confinement and hard labor not exceeding five years.

Repealed.

SEC. 2. Section 79 of the act to which this act is amendatory is hereby repealed.

SEC. 3. This act shall take effect from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXIII.

## DAM ACROSS STRANGER CREEK.

AN ACT to authorize Jacob Rapp to build and maintain a mill dam across Stranger creek.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That Jacob Rapp, of Leavenworth county, is hereby authorized to construct and maintain a mill dam across Stranger creek, at his mills in said county, At what point. on or near section six (6,) in township eight (8,) of range twenty-one (21): *Provided*, Said dam shall not be more Provide: not to exceed five feet in height. than five feet high, and shall not cause the overflow of farms or lands outside of the natural banks of said creek, nor interfere with any public highway heretofore located, nor with any water power heretofore improved: *And provided further*, That said dam shall not be continued or Provide: to be discontinued, when. maintained any longer than while the same is used for running a grist mill or other machinery.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXIV.

## DAM ACROSS SMOKY HILL RIVER.

AN ACT to authorize Christian Hoffman to raise the height of a certain mill dam across Smoky Hill river.

*Be it enacted by the Legislature of the State of Kansas :*

May be raised  
not to exceed  
nine feet in  
height.

SECTION 1. That Christian Hoffman, of Dickinson county, is hereby authorized to raise the mill dam heretofore constructed by him across the Smoky Hill river, under and by authority of the provisions of section one, chapter forty-six, of the laws of 1869, from seven feet to a point not exceeding nine feet in height: *Provided, however,* That this act shall not be held or construed so as to relieve said Hoffman from being liable for any damage caused by the constructing or raising of said dam.

Liability for damage.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER LXV.

## DAM ACROSS FALL RIVER.

AN ACT authorizing John Roatcap to build and maintain a mill dam across Fall river.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That John Roatcap, of Wilson county, is hereby authorized to construct and maintain a mill dam across Fall river, at or near King's ford, on the southwest quarter of the southwest quarter of section fourteen (14,) township No. twenty-nine (29,) south, range fourteen (14) east, in said Wilson county: *Provided*, Said dam shall not be made more than nine feet high, and shall not overflow the farm or lands of any other person outside of the natural banks of said river, nor interfere with any water power heretofore located or improved, or any ford or public highway: *And provided further*, That said dam shall not be continued longer than the same shall be used for the running of machinery.

At what point.

proviso: dam not to exceed nine feet in height, etc.

proviso: to be discontinued, when.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXVI.

## PUBLIC DOCUMENTS.

AN ACT entitled an act to secure the early publication of the reports of officers of state institutions and state officers.

*Be it enacted by the Legislature of the State of Kansas :*

The governor to furnish copy to state printer.

SECTION 1. That the governor of the state shall, upon the receipt of the annual reports of the state officers and officers of the state penitentiary, state agricultural college, state university, state normal school, state asylum for the insane, state asylum for the blind, and state asylum for the deaf mutes, furnish a copy of the same to the state printer.

Duty of state printer.

SEC. 2. The state printer, immediately upon the receipt of the several reports named in the previous section, shall publish in pamphlet form two hundred copies of each of said reports for the use of the state officers and members of the legislature, and three hundred copies of each of said reports of the officers of the educational and charitable institutions respectively, for the use of the officers of said institutions.

Number of copies.

Said reports to be printed by the seventh day of each regular session.

SEC. 3. It shall be the duty of the state printer to have the said reports printed on or before the seventh day of each regular session of the legislature.

SEC. 4. This act shall be in force from and after its publication in the statutes.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State,*

## CHAPTER LXVII.

### LEVEES AND DRAINS.

AN ACT to authorize the construction of levees and drains.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That any number of persons, not less than May associate. three, who may be interested in the construction of any levee, drain or breakwater, or who may be interested in opening, improving or cleaning out any drain or water course, or doing any other work necessary to protect or reclaim any wet land or lands subject to overflow, may associate themselves together and adopt and subscribe articles which shall specify the name and object of the association.

SEC. 2. Two or more members of the association may give notice that at a time to be specified, and at a convenient place near the contemplated work, an election will be held for the purpose of choosing directors for the company; the notice shall be posted up in at least five public places in the vicinity of the contemplated work for twenty days previous to the election. Notice of election to choose directors.

SEC. 3. At the day appointed a majority of the members of the association having met, shall appoint two judges and a clerk of the election from their number, who shall be sworn to a faithful discharge of their duties, and the members shall thereupon proceed to elect three of their number directors of the company. Election of directors.

SEC. 4. If a vacancy shall occur in the office of director, the other members of the board shall fill the same by a *pro tem.* appointment, to continue until the next annual election, and until his successor is elected and qualified. Vacancy, how filled.

SEC. 5. The company shall cause their articles of association to be recorded in the secretary of state's office, and thereafter such association shall be a body politic and corporate, by the name and style so adopted, with all the rights, incidents and liabilities of bodies corporate; and other persons interested in the work may, from time to Articles of association to be recorded.

time, become members of the association by signing the articles, and the existence of the corporation shall be judicially taken notice of in all courts without specially pleading the same.

Shall keep journal.

SEC. 6. The company shall keep a journal of their proceedings, in which shall be entered the oath of the judges and clerk of the election, and the votes given for directors, and all orders of the board of directors which may be made from time to time; a majority of the board of directors shall constitute a quorum for the transaction of business.

Officers.

SEC. 7. The board of directors shall appoint a clerk, who may be one of their number, and a treasurer, who shall be required to give a bond, with sufficient penalties and sureties, payable to the association, by its corporate name, conditional for the faithful discharge of his duties, and the safe keeping and prompt payment, according to the order of the board of directors, of all moneys that may come into his hands. The directors, clerk and treasurer shall each take an oath for the full discharge of their respective duties, which shall be entered in the journal: *Provided*, That the clerk, after having taken an oath before some person authorized to administer oaths, shall be legally qualified to administer oaths to the other officers of the association.

Treasurer to give bond.

Officers shall take an oath.

Provide.

Term of office.

SEC. 8. The directors, clerk and treasurer shall continue in office for one year, and until their successors are chosen and qualified.

Money drawn, how.

SEC. 9. No money shall be drawn from the treasury except upon the order of the board of directors.

Treasurer.

SEC. 10. The treasurer shall each year, before the expiration of his term of office, and as much oftener as the board of directors may require, present his vouchers and settle with the board.

Board of directors may employ engineers, and enter upon land to make survey, etc.

SEC. 11. The board is empowered to employ an engineer, and by themselves, their engineers and agents, to enter upon such lands as may be necessary to make a survey and estimate of the cost of construction of the proposed work, or of such repairs as may from time to time become necessary to its protection and preservation.

SEC. 12. If the board of directors shall determine to construct any levee, drain or breakwater, or to improve or clean out any drain or water course, or to do any other work.

SEC. 13. The owners of such lands shall, if being in the county, have notice of the time of making the assessment, and may attend before the appraisers, and shall have a right to be heard on the subject of the proposed assessment. Owners of lands shall have notice.

SEC. 14. The notice shall be given personally by the clerk if the said owner is in the county, otherwise it shall be given by publication in some newspaper of general circulation most convenient to the proposed work, giving notice of the time the assessment will be made. Notice shall be given, how.

SEC. 15. The board of directors may order the payment of the assessment in such time and manner for the construction or repair of the work as they shall deem proper, which shall be paid on demand to the treasurer, which order may be made personally or by leaving a notice thereof at the residence of the owner, if he resides in the county; if the owner does not reside in the county no demand shall be necessary. To protect or reclaim any wet land or lands, subject to overflow, they shall apply to the board of county commissioners, whose duty it shall be to appoint three appraisers, not members of the association nor in any way interested in the proposed work, and said appraisers, when so appointed, shall examine all the lands liable in any way to be effected by the proposed work, and shall make out a list of the same, and shall assess the amount of benefit or injury to each tract of land, and shall make out a schedule thereof with their assessments aforesaid, and shall append thereto their affidavits, that the same is in all respects a true assessment to the best of their judgment and belief, which shall be by them filed with the clerk of the board, who shall cause the same to be recorded in the office of the register of deeds of the county or counties in which the lands lie, and from the time of such recording said assessment shall be a lien upon such lands for the amount of the assessment of benefit, or assessment of benefit Manner of assessment.

less the assessment of injury, in case there is injury and benefit to the same individual.

Lien enforced,  
how.

SEC. 16. If payment of the amount be not made, the lien may be enforced by an action in the name of the association against the owner, in any court having jurisdiction in the district court of the county in which the land or any part of it lies.

SEC. 17. In any such action the defendant may, if not a member of the association, deny that the work is of public utility, or that he is or will be benefitted thereby to the amount of the assessment or any part of it, and he may insist, whether a member or not, upon any other defense to show that he ought not to pay the assessment or any part of it.

Appraisers to as-  
sess injury.

SEC. 18. If the appraisers shall find that any party is injured by the construction of such work, the amount of injury shall be assessed by the appraisers, which shall be paid by the company, and may be enforced by an action as in other cases.

Appropriation of  
land, stone, etc.,  
to be made how.

SEC. 19. If the association shall seek to appropriate any land, stone, timber, or gravel, or other material, for the construction or maintenance of any such work, they shall proceed in the manner required by law for the assessment of like damages in cases of the construction of railroads, or other similar works.

Liability for ob-  
structing any  
ditch, drain, etc.

SEC. 20. Any person who shall obstruct the channel of any ditch, drain or other water course constructed, improved or maintained by any such company, shall be liable to such company for every day such obstruction shall continue in the sum of ten dollars, to be recovered, in the name of the company, in an action in any court of competent jurisdiction.

SEC. 21. This act shall take effect and be in force from and after its publication.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State,*

## CHAPTER LXVIII.

## CONCERNING EMPYRICISM.

A BILL to protect the people of Kansas from empyricism, and to elevate the standing of the medical profession.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That it shall be unlawful for any person within the limit of the state of Kansas, who has not attended two full courses of instruction and graduated in some respectable school of medicine, either of the United States or of some foreign country, or who cannot produce a certificate of qualification from some state or county medical society, and is not a person of good moral character, to practice medicine in any of its departments for reward or compensation, for any sick person within the state of Kansas; *Provided*, That in all cases, when any person has been continuously engaged in the practice of medicine for a period of ten years or more, he shall be considered to have complied with the provisions of this act, and that where persons have been in continuous practice of medicine for five years or more, shall be allowed two years in which to comply with such provisions.

No one shall practice medicine in this state unless he have certificate of qualification.

*Provided*.

Ten years' continuous practice considered to have complied with the provisions of this act.

Having practiced five years, may have two years to comply.

SEC. 2. Any person living in the state of Kansas, or any person coming into said state, who shall practice, or attempt to practice medicine in any of its departments, or perform, or attempt to perform any surgical operation upon any person within the limits of said state in violation of section one of this act, shall, upon conviction thereof, be fined in not less than fifty nor more than one hundred dollars for such offense; and upon conviction for a second violation of this act shall, in addition to the above fine, be imprisoned in the county jail of the county in which said offense shall have been committed for the term of thirty days, and in no case wherein this act shall have been violated shall any person so violating receive a compensation for services rendered; *Provided*, That

Fines and imprisonment.

nothing herein contained shall in any way be construed to apply to any person practicing dentistry.

SEC. 3. This act to take effect and be in force from and after its publication in the statute book.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXIX.

### FERRY ACROSS VERDIGRIS RIVER.

AN ACT authorizing E. K. Parris to build and maintain a ferry across Verdigris river near Verdi, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. E. K. Parris, of Wilson county, together with such other person or persons as he may choose to associate with him for that purpose, is hereby authorized and empowered to construct a ferry across the Verdigris river at Verdi, in said Wilson county, at such point or points on sections 20, 21, 28, 29, 31 and 32, of township 29 south, of range 16 east, as he or they may select for that purpose, and no other ferry shall be constructed or built within one mile of the ferry hereby authorized for the term of five years: *Provided*, The said E. K. Parris shall establish a ferry at such point within six months from the passage of this act, and shall continue to keep the same in running order.

At what point

Proviso.

Ferry to be established, within what time.

SEC. 2. This act shall take effect and be in force from



and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXX.

### FEES—OF CERTAIN OFFICERS.

AN ACT to amend an act entitled "an act fixing the fees of certain officers and persons therein named," approved March 2d, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section six (6) of an act entitled an Amendment. act fixing the fees of certain officers and persons therein named be amended so as to read as follows: Sec. 6. The county clerk shall receive from the county treasury, or the party requiring the service, the following fees:

For recording reports or other papers and proceedings Fees.

|                                                                  |        |
|------------------------------------------------------------------|--------|
| required to be recorded, or copies thereof, per folio            | \$0.10 |
| Making out tax roll, per folio, - - - -                          | 15     |
| Making copy of treasurer's tax sale record, per folio, - - - - - | 10     |
| Recording each plat in road record, - - - -                      | 1.00   |
| Making copy of registration lists, per folio, -                  | 10     |
| Making poll books each election district, - -                    | 1.00   |
| Countersigning and entering certificate of redemption, - - - - - | 25     |

|                                                                                                                           |        |
|---------------------------------------------------------------------------------------------------------------------------|--------|
| Certificate and seal, - - - - -                                                                                           | \$0.50 |
| Taking and certifying affidavit, - - - - -                                                                                | 25     |
| Certificate of election, - - - - -                                                                                        | 25     |
| Filing each paper, - - - - -                                                                                              | 05     |
| Entering cancellation of warrants, per hundred, -                                                                         | 1.50   |
| Taking and approving bond, to be paid by the person giving the bond, - - - - -                                            | 50     |
| Making out abstract of election, per folio, - - -                                                                         | 10     |
| Issuing license to be paid by the person receiving the same, - - - - -                                                    | 1.00   |
| Making tax deed, one tract and acknowledgement, -                                                                         | 1.00   |
| Each additional tract or lot, - - - - -                                                                                   | 05     |
| Countersigning receipt and charging treasurer, -                                                                          | 10     |
| Assignment of tax sale certificate to be paid by party purchasing, - - - - -                                              | 25     |
| For keeping accounts with treasurer, and for other services, such compensation as the county commissioners may deem just. |        |

Repealed.

SEC. 2. That section six of the act to which this is amendatory be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXI.

RELATING TO GARNETT, IN ANDERSON  
COUNTY.

AN ACT to legalize certain acts of the corporate authorities of the town of Garnett, in Anderson county.

WHEREAS, Certain irregularities are alleged to have taken place in the distribution and deeding of the lots contained in the original town site of the town of Garnett, in Anderson county, Kansas, which town site was pre-empted by the corporate authorities of said town for the use and benefit of the occupants thereof; and

WHEREAS, It is especially alleged that the distribution of lots made by the corporate authorities of said town, whereby a certain part of the lots were set apart to be given to Anderson county, and a certain part to be deeded to persons residing in the county of Anderson, who held deeds therefor from the old town company, known and called "Hall, Harris & Company," and a certain part reserved for churches and school houses, and another part of said lots set apart and reserved for the use and benefit of the town of Garnett for general purposes, and all sales made by the corporate authorities of said town, and all deeds made by George W. Iler and John T. Lanter, as the respective chairman and chief officers of the corporate authorities of said town, in pursuance of such distribution and sales in not being signed and attested by the clerk of said corporate authorities, was and are irregular and informal; therefore

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the distribution of the lots contained in the original town site of the town of Garnett, in Anderson county, pre-empted by the corporate authorities of said town, for the use and benefit of the occupants thereof, whereby a certain portion of said lots were given

to Anderson county, and a certain part to the citizens of the county holding deeds therefor from the old town company, known as "Hall, Harris & Company," and a certain part to be reserved for churches and school house sites, and another certain part of said lots to be set apart and reserved for the use and benefit of the town of Garnett for general purposes, and all deeds made by George W. Iler and John T. Lanter, as the chairman and chief officers of the corporate authorities of said town, respectively be, and the same are, hereby legalized and made valid and binding in law, and the title to such town lots so as aforesaid distributed and deeded shall be deemed and held good in any purchaser thereof in all the courts in this state, any mistake, omission, informality or irregularity in said distribution, or in the deeds made in pursuance thereof, to the contrary notwithstanding.

Deeds legalized.

Titles to such lots shall be held good.

SEC. 2. This act to take effect and be in force from and after its publication once in the "*Kansas Weekly Commonwealth*."

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 8, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXXII.

## ACTS LEGALIZED.

AN ACT to legalize the official acts of H. D. Woodsworth, a justice of the peace for Ellsworth county, in the years 1867 and 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all judgments rendered and all fines imposed by H. D. Woodsworth, a justice of the peace in the town of Ellsworth, in the county of Ellsworth, during the years 1867 and 1868, together with all acts done by him appertaining to said office during said time, shall be as valid, and shall have the same force and effect, as if said H. D. Woodsworth had been a qualified elector and a *bona fide* citizen and resident of said county of Ellsworth.

Judgments made  
valid and acts  
legalized.

SEC. 2. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXIII.

## ACTS LEGALIZED.

AN ACT to legalize the acts of the probate judges of Labette county.

*Be it enacted by the Legislature of the State of Kansas :*

Acts legalized.

SECTION 1. That all the official acts of H. H. Minor, as probate judge of Labette county from January tenth, 1868, and all the official acts of Merritt Read, as probate judge of said county prior to the first day of January, 1870, be and the same are hereby declared legal and valid, in like manner as if said Minor had qualified as such probate judge as prescribed by law.

Acts legalized.

SEC. 2. The official acts of W. H. Whitlock, as probate judge of said Labette county, under and pursuant to his election as such judge, on the second day of November, 1869, for the unexpired term, and his qualification thereunder, are hereby legalized, any inequality in said election to the contrary notwithstanding.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* February 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXIV.

APPROPRIATIONS—LANDS FOR USE OF RAIL-  
WAY CORPORATIONS.

AN ACT to amend article nine of chapter 23 of the general statutes of Kansas, of 1868, entitled "appropriations of lands for the use of railway and other corporations."

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 86 of said act be and the same is hereby amended so as to read as follows: Section

86. Before any board of county commissioners shall proceed to lay off any railroad route, as herein provided, notice of the time when the same shall be commenced shall be given, by publication thirty days before the time fixed, in some newspapers published in such county, or if none be published therein, then in one of general circulation in the county wherein such railway is to be laid off; and an appeal shall be had from the determination of the board of county commissioners as to the value of the land, crops, buildings and other improvements on said land, and for all other damages sustained by such person or persons by reason of such right of way so appropriated, in the same manner as appeals are granted from the judgment of a justice of the peace to the district court, and said appeal and all subsequent proceedings shall only affect the amount of compensation to be allowed, but shall not delay the prosecution of the work on said railroad upon said company paying or depositing the amount so assessed by said commissioners with the county treasurer of the county within which the said lands are situated; and upon the payment or deposit, as aforesaid, of the amount so assessed by said commissioners, and upon said company executing a bond, with sufficient security, to be approved by the county clerk, to pay

Before county commissioners proceed to lay off railroad route, notice shall be given, how.

Appeal shall be had, as to damage and value of crops, how.

Appeal shall not delay work.

Company shall execute bond to pay all damages.

May take and use  
such land.

all damages and cost which said company may be adjudged to pay by said district court, said company may, notwithstanding said appeal, take possession of and use the said land and construct its road over the same.

Railway corpora-  
tion may apply to  
judge of the dis-  
trict court to ap-  
point commis-  
sioners to make  
appraisement and  
assess damages.

SEC. 2. That section 87 be so amended as to read: Section 87. That any railway corporation, instead of applying to the board of county commissioners as heretofore provided, or any person or persons through whose land or premises any railroad has been or is being constructed, may apply to the judge of the district court of the county, through which any railroad is or is to be built, for the appointment of three commissioners to make the appraisement and assessment of damages instead of the county commissioners; said commissioners shall be freeholders and residents of the county through which such railroad is or is to be built; such appointment shall be made by the district judge on the written application of the corporation, or the person or persons, their agent or attorney; the appointment shall be made in writing, under the hand of the judge, and delivered to the party applying therefor; the application for and certificate of appointment shall be recorded in the office of the register of deeds of the proper county; in case any vacancy occurs, or any such commissioner or commissioners refuse to serve on such board, the district judge shall appoint, in the manner herein provided, some other person or persons, having the qualifications herein provided; such commissioners shall be sworn to honestly and faithfully discharge their duties as such commissioners, and they shall do and perform all things in the manner and under the same regulations and restrictions as are provided in case such duties were performed by the county commissioners, and the subsequent and other proceedings, including appeal, shall be done and performed in the same manner, and the railroad company shall pay all costs accruing under any application under this section.

Commissioners to  
be freeholders,  
etc.

Commissioners  
shall be sworn.

Railroad company  
shall pay what  
costs.

Repealed.

SEC. 3. That sections 86 and 87, of the act to which this is amendatory, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from



and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER LXXV.

### MARRIAGE.

AN ACT in relation to marriage, and amendatory of section 10 of chapter 61 of the general statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section ten of chapter 61 of the general statutes of 1868, relating to marriage, is hereby amended so as to read as follows: Sec. 10. Every judge, justice of the peace, or licensed preacher of the gospel, may perform the marriage ceremony in this state, and shall certify over his proper signature, on the back of the license, the fact of such marriage and the date thereof, and shall cause such license to be returned to the probate judge of the proper county within thirty days: *Provided,* Who may perform marriage ceremony. All marriages solemnized among the society called Friends or Quakers, in the form heretofore practiced, and in use in their meetings, shall be good and valid, and shall not be construed as affected by any of the foregoing provisions of this act: *And provided further,* Friends' society form of marriage to be valid. That all marriages heretofore solemnized in this state by said

society, in accordance with said forms and usage, are hereby declared legal and valid.

SEC. 2. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER LXXVI.

### RELATING TO MINORS.

AN ACT to empower certain minors to hold and transfer property and transact business as if they had attained their majority.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That David F. Sewell, of the county of Brown; George D. Chord, Wm. R. Griffith and George S. Smith, of the county [of] Shawnee; James E. M. Hedley, of the county of Anderson; Frank Pierce, of the county of Franklin; E. W. Parsons, of the county of Davis; Joseph R. Parman, of the county of Osage; William A. Kirkpatrick, of the county of Leavenworth; Manning L. Spooner, of the county of Wallace; William Manuel Hayes Sollars, of the county of Doniphan; Z. T. Hicks, of the county of Chase; W. H. Fletcher, of the county

of Neosho; and Edwin C. Eldridge, of the county of Douglas, and state of Kansas, be and they hereby are authorized and empowered to hold, possess and control in their own person and right, and without the intervention or control of any guardian, any goods, chattels, rights, interests, lands, tenements and effects, by them lawfully acquired or inherited, notwithstanding the minority of the said David F. Sewell, George D. Chord, Wm. R. Griffith, George S. Smith, James E. M. Hedley, Frank Pierce, E. W. Parsons, Joseph R. Parman, Wm. A. Kirkpatrick, Manning L. Spooner, Wm. W. Manuel, Hayes Sollars, Z. T. Hicks, W. H. Fletcher, and Edwin C. Eldridge, and that they have full power to hold, convey and dispose of the same, and to make contracts, to sue and be sued, and in all respects to exercise and enjoy all rights of property and of contracts in the same manner, and to the same extent, as though they were of the full age of twenty-one years, and all property, rights and interests of the said David F. Sewell, George D. Chord, William R. Griffith, George S. Smith, James E. M. Hedley, Frank Pierce, E. W. Parsons, Joseph R. Parman, Wm. A. Kirkpatrick, Manning L. Spooner, William Manuel Hayes Sollars, Z. T. Hicks, W. H. Fletcher and Edwin C. Eldridge, now held or controlled by any guardian, shall immediately vest in and be delivered and transferred to the said David F. Sewell, George D. Chord, William R. Griffith, George S. Smith, James E. M. Hedley, Frank Pierce, E. W. Parsons, Joseph R. Parman, Wm. A. Kirkpatrick, Manning L. Spooner, William Manuel Hayes Sollars, Z. T. Hicks, W. H. Fletcher and Edwin C. Eldridge, subject, however, to any just claims of such guardian against them growing out of such guardianship.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

The foregoing bill having been presented to the governor, and not having been signed or returned by him within the time required by the constitution, will become a law without his signature upon proper publication.

I hereby certify that the foregoing is a true and correct

copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXVII.

### UNION MILITARY SCRIP.

AN ACT providing for issuing duplicates of certain union military scrip.

*Be it enacted by the Legislature of the State of Kansas :*

State treasurer  
may issue dupli-  
cates to whom.

SECTION 1. That the state treasurer be and he is hereby authorized and directed to issue other numbers, of like denominations, of union military scrip in lieu of the following numbers which have been destroyed: To Wm. H. Weatherman, No. 1,414, for fifty dollars; No. 6,622, for twenty dollars; No. 18,948, for one dollar; and No. 18,949, for one dollar. To Thomas Hickman, No. 2,844, for ten dollars; No. 1,178, for five dollars; and Nos. 4,147, 4,148 and 4,149, for one dollar each. To Edward Whittington, No. 2,843, for ten dollars; No. 1,177, for five dollars; and Nos. 4,144, 4,145 and 4146, for one dollar each. To B. F. Blackburn, No. 3,335, for twenty dollars; and No 4,143, for one dollar; and to H. G. Talcott, Nos. 2,176 and 2,177, for twenty dollars each; No. 1,954, for ten dollars; and Nos. 1,822, 1,823 and 1,824, for one dollar each.

To be endorsed,  
how.

SEC. 2. That upon the face of each piece of scrip so issued, the treasurer of state shall endorse with red ink the words, "duplicate issued under an act providing for issuing duplicates of certain union military scrip, approved March 1870."

SEC. 3. This act shall take effect and be in force from and after its publication.

Approved March 3d, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXXVIII.

### RELATING TO MILITARY FUNDS.

AN ACT relative to military funds.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all the several sums of money now in the state treasury, as balances of the several military funds, to wit: Military fund, \$365 34-100; frontier military fund, \$10,643 18-100; military funds for raising the nineteenth regiment, \$921 94-100; contingent military fund, \$366 74-100, amounting in the aggregate to \$12,297 23-100, be and the same are hereby consolidated Consolidation. into one fund, to be called "military fund."

SEC. 2. The amount of \$12,297.23, as stated in section Appropriation. 1 of this act, is hereby appropriated to pay any unsettled claims against the state, properly audited by the different commission under the acts creating the different funds herein consolidated and for the purpose of paying contingent military expenses that may be created in protecting the frontier against Indians.

SEC. 3. This act to take effect and be in force from

and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

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## CHAPTER LXXIX.

### TO CHANGE CERTAIN NAMES.

AN ACT to change the names of certain persons therein named.

*Be it enacted by the Legislature of the State of Kansas:*

Names changed.

SECTION 1. That the name of Herbert Ripley Morris, minor son of Richard B. Morris, of Atchison, Kansas, be and the same is hereby changed to Edward Ripley Morris; that the name of John Garland Davidson, of Riley county, be and hereby is changed to William Benjamin Davidson; and that the name of Norma Diana Miller, of Leavenworth county, be and hereby is changed to Norma Diana Jackson; and the name of Guttorm Peterson, of Doniphan county, be and is hereby changed to Guttorm Thompson.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 24, 1870,

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER LXXX.

### TO CHANGE A NAME.

AN ACT to change a name.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the name of Eliza Williams, of Shawnee county, state of Kansas, be and the same is hereby changed to Eliza Smith.

SEC. 2. This act shall take effect and be in force from and after publication.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXXI.

## OSAGE COUNTY.

AN ACT to change the name of a town in Osage county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the name of "Osage Center," or "Osage," a town near the center of Osage county, be and the same is hereby changed to "Lyndon."

SEC. 2. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER LXXXII.

## ACKNOWLEDGMENTS LEGALIZED.

AN ACT to legalize certain acknowledgments taken and certified by  
E. A. Foot, a notary public.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. All acknowledgments of deeds, mortgages, bonds, and other instruments of writing, taken and certified by E. A. Foot, a notary public of and for the county of Linn, and state of Kansas, between the 24th of September 1869, and the tenth day of January, 1870, are hereby confirmed, and declared to be valid for all purposes whatsoever, in like manner as if the commission, official bond, and oath of office, of said E. A. Foot, as such notary public, had been recorded and filed as required by chapter 71 of the general statutes of 1868. Acts legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXXIII.

## M. E. JOYCE—OFFICIAL ACTS LEGALIZED.

AN ACT to legalize acknowledgments taken by M. E. Joyce.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That all acknowledgments taken and certified by M. E. Joyce, as notary public in and for the county of Ellis, between the first day of April, A. D. 1867, and first day of January, A. D. 1870, be and the same are hereby legalized, and all deeds and instruments of writing acknowledged before and certified by said M. E. Joyce, as notary public, if recorded, shall impart notice to all persons of the contents of such instruments.

Acts legalized.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXXIV.

## PRICE RAID CLAIMS.

AN ACT supplemental to an act to provide for the auditing, settlement and assumption of the Price raid claims of 1864, and the Indian expedition under Major General Curtis in July and August, 1864, approved February 17, 1869.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The treasurer and auditor of state are hereby created a commission to audit and allow the muster roll of Captain J. C. Hinckley, company D, twenty-fourth regiment, Kansas state militia, in accordance with the provisions of the act to which this is supplemental.

SEC. 2. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXXXV.

## PROCEDURE—CIVIL.

AN ACT to amend section 549 of an act entitled "an act to establish a code of civil procedure," passed and approved February 28, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 549, of chapter 80, of the general statutes of Kansas, be amended so as to read as follows : "Section 549. The court or judge may, upon good cause shown, extend the time for making a case and the time within which the case may be served ; and may also direct notice to be given of the time when a case may be presented for settlement after the same has been made and served, and amendments suggested, which when so made and presented shall be settled, certified and signed by the judge who tried the cause ; and the case so settled and made shall thereupon be filed with the papers in the cause ; and in all causes heretofore or hereafter tried, when the term of office of the trial judge shall have expired, or may hereafter expire before the time fixed for making or settling and signing a case, it shall be his duty to certify, sign or settle the case in all respects as if his term had not expired ; and if no amendments are suggested by the opposing party, as above provided, said case shall be taken as true and containing a full record of the cause, and certified accordingly.

The court may extend the time for making a case, and the time in which it may be served.

May direct notice to be given of time case may be presented for settlement.

To be signed and settled by the trial judge.

When term of office of trial judge expires before time for settling and signing a case, it shall be his duty to sign and settle the case as if his term had not expired.

In case no amendments are suggested.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER LXXXVI.

## PROCEDURE—CIVIL.

AN ACT to amend sections 546 and 548 of an act entitled "an act to establish a code of civil procedure," approved February 25, 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section 546 of an act entitled "an act to Plaintiff in error. establish a code of civil procedure," approved February 25, 1868, is hereby amended so as to read as follows: Section 546. The plaintiff in error shall file with his petition a transcript of the proceedings containing the final judgment or order sought to be reversed, vacated or modified, or the original case made as hereinafter provided, or a copy thereof.

SEC. 2. Section 548 of said act is hereby amended so as to read as follows: Section 548. The case so made, Case to be served on opposing party within three days. or a copy thereof, shall, within three days after the judgment or order is entered, be served upon the opposite party, or his attorney, who may, within three days there- Opposing party may suggest amendments. after, suggest amendments thereto in writing and present the same to the party making the case, or his attorney; the case and amendments shall be submitted to the judge, Case to be submitted to the judges. who shall settle and sign the same, and cause it to be attested by the clerk and the seal of the court to be thereto attached; it shall then be delivered to the party Shall be delivered to party making it, or filed. making it, or his attorney, or filed with the papers in the case at the option of such party or his attorney; when the original is delivered to the party or his attorney, it may be filed with the petition in error, or a copy thereof may be so filed where the original is filed with the papers in the case; the exceptions stated in a case made shall have the same effect as if they had been reduced to writing, allowed and signed by the judge at the time they were taken; no cost shall be taxed in the supreme court No cost to be taxed for copy. for copies for the judges of the transcript or case made.

Repealed.

SEC. 3. The original sections 546 and 548 of said act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXXVII.

### PROCEDURE—CIVIL.

AN ACT to amend the "code of civil procedure," being chapter 80 of the general statutes of 1868, and to amend section 27, of chapter 22 of the general statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

Where cause of action has arisen in another state, or, by the laws of such state action cannot be maintained by reason of lapse of time, no action shall be maintained thereon in this state.  
No action shall be maintained in this state on judgment or decree rendered in another state against a resident of this state, when.

SECTION 1. That section 22, of chapter 80 of the general statutes of 1868, is hereby amended so as to read as follows: Sec. 22. Where the cause of action has arisen in another state or country between non-residents of this state, and, by the laws of the state or country where the cause of action arose, an action cannot be maintained thereon by reason of lapse of time, no action maintained thereon in this state; and no action shall be maintained in this state on any judgment or decree rendered in another state or country against a resident of this state, where the cause of action upon which such judgment or decree was rendered could not have been maintained in this state at the time the action thereon was commenced in such other state or country, by reason of lapse of time.

## CHANGE OF VENUE.

SEC. 2. Section fifty-six of said chapter 80 is hereby amended so as to read as follows: Sec. 56. In all cases in which it shall be made to appear to the court that a fair and impartial trial cannot be had in the county where the suit is pending, or when the judge is interested or has been of counsel in the case or subject matter thereof, or is related to either of the parties, or is otherwise disqualified to sit, the court may, on application of either party, change the place of trial to some county where such objection does not exist.

## OF PLEADINGS.

SEC. 3. Section eighty-six of said chapter 80 is hereby amended so as to read as follows: Sec. 86. The only pleadings allowed are: First, The petition by the plaintiff. Second, The answer or demurrer by the defendant. Third, The demurrer or reply by the plaintiff. Fourth, The demurrer by the defendant to the reply of the plaintiff.

## OF ORDERS OF ATTACHMENT.

SEC. 4. Section 190 of said chapter 80 is hereby amended so as to read as follows: Sec. 190. The plaintiff in a civil action for the recovery of money may, at or after the commencement thereof, have an attachment against the property of the defendant, and upon the grounds herein stated: First, When the defendant, or one of several defendants, is a foreign corporation or a non-resident of this state; (but no order of attachment shall be issued on the ground or grounds in this clause stated for any claim other than a debt or demand arising upon contract, judgment or decree, unless the cause of action arose wholly within the limits of this state, which fact must be established on the trial.) Second, When the defendant, or one of several defendants, has absconded with the intention to defraud his creditors; or, Third, Has left the county of his residence to avoid the service of a summons; or, Fourth, So conceals himself that a summons cannot be served upon him; or, Fifth, Is about to remove his property, or a

part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or, Sixth, Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or, Seventh, Has property or right in action which he conceals; or, Eighth, Has assigned, removed or disposed of, or is about to dispose of his property, or a part thereof, with the intent to defraud, hinder or delay his creditors; or, Ninth, Fraudulently contracted the debt, or fraudulently incurred the liability or obligations for which suit is about to be or has been brought; or, Tenth, Where the damages for which the action is brought are for injuries arising from the commission of sin, [some] felony or misdemeanor, or the seduction of any female; or, Eleventh, When the debtor has failed to pay the price or value of any article or thing delivered, which by contract he was bound to pay upon delivery.

Clerk shall not  
issue order of at-  
tachment until  
when.

No undertaking  
required when  
defendant is non-  
resident of this  
State.

SEC. 5. Section 192 of said act is hereby amended so as to read as follows: Sec. 192. The order of attachment shall not be issued by the clerk until an undertaking on the part of the plaintiff has been executed by one or more sufficient sureties, approved by the clerk and filed in office, in a sum not exceeding double the amount of the plaintiff's claim, to the effect that the plaintiff shall pay to the defendant all damages which he may sustain by reason of the attachment if the order be wrongfully obtained, but no undertaking shall be required where the party or parties defendant are all non-residents of the state, or a foreign corporation.

#### ANSWER OF CORPORATION GARNISHEE.

SEC. 6. When any corporation shall be notified to appear and answer as garnishee of any defendant, pursuant to sections 200, 201 and 202 of said chapter 80, the answer, required to be made by such garnishee by section 215 of said chapter, shall not be required in any case in less than fifteen days from the service of the order and notice, and interrogatories, if any; and when neither the president or other head of such corporation, nor the secretary, cashier, or managing agents thereof, shall reside or live, or keep his office or place of business in the



county when [where] the action is pending, the answer of such garnishee shall not be required in less than thirty days from the service of the order and notice, and interrogatories, if any.

#### OF VERDICTS.

SEC. 7. Section 286 of said chapter 80 is hereby amended so as to read as follows: Sec. 286. In all cases the court, at the request of the parties, or either of them, shall direct the jury to find a special verdict, in writing, upon all or any of the issues in the case; and upon like request, to instruct the jury, if they shall render a general verdict, to find upon particular questions of fact, to be stated in writing, and shall direct a written finding thereon. The special verdict of finding must be filed with the clerk and entered on the journal.

#### TRIAL DOCKET AND TRIAL OF ACTIONS.

SEC. 8. Section 313 of said chapter 80 is hereby amended so as to read as follows: Sec. 313. A trial docket shall be made out by the clerk of the court, at least twelve days before the first day of each term of the court; and the actions shall be set for particular days, in the order hereinafter stated, and so arranged that the cases set for each day shall be tried as nearly as may be on that day, namely: First. Issues of fact, to be tried by a jury. Second. Issues of fact, to be tried by the court. Third. Issues of law. If the defendant fails to answer or demur, the cause, for purposes of this section, shall be deemed to be at issue upon questions of fact.

Trial docket.  
Actions to be set  
for particular  
days, in order.

If defendant fails  
to answer, cause  
shall be deemed  
an issue of fact.

SEC. 9. Section 314 of said chapter is hereby amended so as to read as follows: Sec. 314. The trial of an issue of fact, and the assessment of damages in any case, shall be in the order in which they are placed on the trial docket, unless by the consent of the parties or the order of the court, they are continued or placed at the heel of the docket, unless the court, in its discretion, shall otherwise direct; but no witnesses shall be subpoenaed in any case while the cause stands upon an issue of law. The court may, in its discretion, hear at any time a motion and may, by rule, prescribe the time for hearing motions.

Trial of an issue  
of fact.

Motions.

Actions shall be  
 triable, when.  
 Issues of law.

SEC. 10. Section 315 of said chapter is hereby amended so as to read as follows: Sec. 315. Actions shall be triable at the first term of the court after the issues therein, by the times fixed for pleading, are or should have been made up ten days before the term. When issues of law are made up, either before or during a term of court, but after the period for preparing the trial docket of such term, the clerk shall place such actions on the trial docket of that term.

#### OF RECORDS AND EVIDENCE.

SEC. 11. Section 27 of an act entitled "an act regulating conveyances of real estate," approved February 20, 1868, is hereby amended to read as follows: Sec. 27. Copies of such instrument, or of the record of the same, duly certified by the register of deeds of the county in which the same may have been recorded, shall, upon proof of the loss or destruction of the original instrument, or that it is not under the control of the person desiring to use the same, be read in evidence with like effect and on the same conditions as the original instrument; and that copies of any instrument of writing conveying or affecting real estate in this state, duly authenticated by the proper custodians of the records of other states, where any such instrument shall have been recorded for ten years and upwards, shall be received as *prima facie* evidence in all courts of record in this state, of the existence of the originals of such instruments of writing and of the proper record of the same, and may be recorded in the counties in this state wherein the real estate affected by them is situated, with like effect and upon the same conditions on the original instrument.

Records to be re-  
 ceived in evi-  
 dence.

SEC. 12. The books and records required by law to be kept by any probate judge, county clerk, county treasurer, register of deeds, clerk of the district court, justice of the peace, police judge, or other public officers, may be received in evidence in any court; and when any such record is of a paper, document, or instrument authorized to be recorded, and the original thereof is not in the possession or under the control of the party desiring to use the same, such record shall have the same effect as the

original; but no public officer herein named, or other custodians of public records, shall be compelled to attend any court, officer or tribunal sitting more than one mile from his office with any record or records belonging to his office or in his custody as such officer.

SALE OF LANDS MORTGAGED OR PLEDGED.

SEC. 13. Section 399 of said chapter 80 is hereby amended so as to read as follows: Sec. 399. In actions to enforce a mortgage, deed of trust, or other lien or charge, a personal judgment or judgments shall be rendered for the amount or amounts due, as well to the plaintiff as other parties to the action having liens upon the mortgage premises by mortgage or otherwise, with interest thereon, and for the sale of the property charged and the application of the proceeds, or such application may be reserved for the further order of the court; and the court shall tax the costs, attorneys' fees, and expenses which may accrue in the action, and apportion the same among the parties according to their respective interests, to be collected on the order of sale or sales issued thereon; when the same mortgage embraces separate tracts of land situated in two or more counties, the sheriff of each county shall make sale of the lands situated in the county of which he is sheriff. No real estate shall be sold for the payment of any money, or the performance of any contract or agreement in writing, in security for which it may have been pledged or assigned, except in pursuance of a judgment of a court of competent jurisdiction ordering such sale.

No real estate to  
be sold except in  
pursuance of  
judgment of  
court, etc.

OF REVIVOR OF ACTIONS.

SEC. 14. Section 435 of said chapter 80 is hereby amended so as to read as follows. Section 435. When it appears to the court, by affidavit, that either party to an action has been dead for a period so long that the action cannot be revived in the names of his representatives or successors without the consent of both parties, or when a party sues or is sued as a personal representative, that his powers have ceased, the court shall order the action to be dismissed at the costs of the plaintiff.

## OF THE TAXATION OF COSTS IN CIVIL ACTIONS.

SEC. 15. The several clerks of the district court may tax costs and insert the same in judgments, subject to an appeal from such taxation, as herein provided.

SEC. 16. The successful party in civil actions shall make out a cost bill, containing the name of each witness for whose attendance and travel fees are claimed, the number of days attendance at each term of court, specifying the term, and the number of miles traveled; also, any disbursement that he may have made to procure the attendance of witnesses, giving the name of each witness, and amount paid to each; also, any disbursements for papers, records and depositions, specifying the same and giving the amount of each. Such party shall serve upon the adverse party, or his attorney, a copy of such cost bill with a notice thereon endorsed, stating that such cost bill will be presented to the clerk of the court at his office on a day and at an hour in said notice to be designated, for taxation and adjustment, which copy and notice shall be served at least two days before the day named for such taxation, if the party or attorney to be served reside within the county; if service be made by mail the copy of cost bill and notice of taxation shall be mailed at least eight days before the day named for such taxation; if the adverse party fail to attend at the time designated, the party moving for the taxation of the costs shall prove due service of said cost bill and notice as herein provided.

SEC. 17. If the adverse party object to any item in said cost bill, such objection shall be noted by the clerk, and such clerk shall hear and decide every such objection, and shall disallow any item or items in said cost bill which he shall deem illegal.

SEC. 18. When the clerk shall have adjusted said cost bill he shall add the amount thereof, as allowed by him, to the clerk's fees and sheriff's fees in the cause and insert the aggregate amount thereof in the judgment.

SEC. 19. Either party may appeal from such taxation to the district court upon serving a notice of such appeal upon the clerk within three days after such taxation, and on such appeal the district court may re-examine any

item or items objected to by the party appealing, and any item or items of clerk's fees or sheriff's fees claimed to be illegal, and shall affirm or reverse the decision of the clerk as the law of the case shall require. The taxation by the district court shall be final, and the costs so taxed by the court shall be inserted in the judgment and shall have the same force and effect as if the same had been so taxed by the clerk.

Taxation by the district court, final.

SEC. 20. The court or judge may, for good cause shown and in furtherance of justice, allow an appeal to be taken at any time from the taxation made by the clerk, when neither the party desiring to appeal nor his attorney of record shall reside in the county, and no appearance was made by or for such party at the time of such taxation.

Court may allow an appeal.

#### OF LIENS OF MECHANICS AND OTHERS.

SEC. 21. Section 630 of said chapter 80 is hereby amended so as to read as follows: Sec. 630. Any mechanic or other person who shall, under contract with the owner of any tract or piece of land, his agent, trustee, contractor or sub-contractor, or under contract with the husband or wife of such owner, perform labor or furnish materials for erecting, altering or repairing any building or the appurtenances of any building, or any erection or improvement, or shall furnish or perform labor in putting up any fixtures or machinery in or attached to any such building or improvement, or shall plant, or plant and grow successfully, a hedge fence, or shall build a stone fence on any such tract or piece of land, shall have a lien upon the whole tract or piece of land, the buildings and appurtenances, in the manner herein provided, for the amount due to him for such labor or materials, fixtures or machinery; such lien shall be preferred to all other liens and incumbrances which may attach to or upon such lands, buildings or improvements, or any or either of them, subsequent to the commencement of such building, the furnishing or putting up of such fixtures or machinery, or the making of such repairs or improvements.

In what cases.

SEC. 22. Section 631 of said act is hereby amended so

Lien against  
tenant.

as to read as follows: Sec. 631. The lien shall not extend to the erection or repairing of any building or improvement, or the putting up of any fixtures or machinery, by a tenant or other person not the owner of the land upon which the building is situated or other improvements made, except only to the extent of the interest of such tenant or other person.

Lien of sub-con-  
tractors.

SEC. 23. Section 632 of said act is hereby amended so as to read as follows: Sec. 632. Every sub-contractor, or other person not the original contractor, claiming a lien under the provisions of this article shall at any time after the labor is performed, or the materials, fixtures or machinery furnished, and within ninety days after the completion of the building, improvement or repairs, or the furnishing or putting up of the fixtures or machinery, notify the owner or his agent, having the management of such building, improvement or repairs, in writing, of the amount claimed; such notice shall also contain a brief description of the property subject to the lien, and a copy of the account on which the claim is founded, and may be served by the claimant or any other person upon such owner or agent in the same manner as a summons.

Person claiming  
lien shall file  
statement within  
six months, set-  
ting forth what.

SEC. 24. Section 633 of said act is hereby amended so as to read as follows: Sec. 633. Any person claiming a lien as aforesaid, shall file in the office of the clerk of the district court of the county in which the land is situated a statement setting forth the amount claimed and the items thereof as nearly as practicable, the name of the owner, the name of the contractor, the name of the claimant and a description of the property subject to the lien, verified by affidavit, such statement shall be within six months after the completion of the building, improvement or repairs, or the furnishing or putting up of fixtures or machinery; the clerk of the district court shall immediately upon the receipt of such statement enter a minute of the same on a book to be kept for that purpose, to be called the mechanic lien docket. Such docket shall be ruled off into separate columns, with heads as follows: "When filed," "name of owner," "name of contractor," "name of claimant," "amount claimed," "description of property," and "remarks," and the proper entry shall

Clerk shall enter  
minute of same  
on mechanics'  
lien docket.

be made under each of such heads; the costs [of] filing Costs. and entering such statements shall be recovered as part of the costs of enforcing the lien.

SEC. 25. Section 634 of said act is hereby amended so as to read as follows: Sec. 634. Such lien may be enforced by civil action in the district court of the county Lien may be enforced by civil action within one year. in which the land is situated, which action shall be brought within one year from the time any new building, erection or improvement is completed, or in case of repairs made, or fixtures or machinery put up or furnished for any building or improvement once completed, within one year from the time such repairs are completed, or the fixtures or machinery put up or furnished, and not afterwards.

SEC. 26. Section 635 of said act is hereby amended so as to read as follows: Sec. 635. In such action all persons whose liens are filed as herein provided, and other incumbrancers, shall be made parties, and issues shall be made and trials had as in other cases; where such action is brought by a sub-contractor, or other person not the original contractor, such original contractor shall be made a party defendant and shall, at his own expense, defend Original contractor shall be a party defendant against every person claiming lien under this article, at his own expense. against the claim of every sub-contractor, or other person claiming a lien under this article, and if he fails to make such defense the owner may make the same at the expense of such contractor, and until all such claims, costs and expenses are finally adjudicated and defeated or satisfied, the owner shall be entitled to retain from the contractor the amount thereof; and if he shall have paid the contractor in full he may recover back from him the amount of any such claim, costs or expenses which he, the said owner, may be required to pay.

#### OF DIVORCE AND ALIMONY.

SEC. 27. Section 646 of said chapter 80 is hereby amended so as to read as follows: Sec. 646. When a divorce shall be granted by reason of the fault or aggression of the husband, the wife shall be restored to all her Divorce by reason of fault of husband. lands, tenements and hereditaments not previously disposed of, and restored to her maiden name, if she so desires, and shall be allowed such alimony out of her

Divorce by reason  
of fault of wife.

husband's real and personal property as the court shall think reasonable, having due regard to the property which came to him by marriage, and the value of his real and personal estate at the time of said divorce, which alimony may be allowed to her in real or personal property, or both, or by decreeing to her such sum of money, payable either in gross or installments, as the court may deem just and equitable; and if the wife survive her husband she shall also be entitled to her right of dower in the real estate of her husband, not allowed her as alimony, of which he was seized at the time during the coverture, to which she had not relinquished her right of dower; but if the divorce shall arise by reason of the fault or aggression of the wife, she shall be barred of all right of dower in the lands of which her husband shall be seized at the time of the filing of the petition for divorce, or which he may thereafter acquire, whether there be issue or not; and the court shall order restoration to her of the whole of her lands, tenements or hereditaments not previously disposed of, and also such share of her husband's real or personal property, or both, as to such court may appear just and reasonable.

#### OF THE WRIT OF MANDAMUS.

SEC. 28. Section six hundred and eighty-eight of said chapter 80, amended so as to read as follows: Sec. 688. The writ of mandamus may be issued by the supreme court or the district court, or any justice or judge thereof, during term, or at chambers, to any inferior tribunal, corporation, board or person, to compel the performance of any act which the law specially enjoins as a duty, resulting from an office, trust or station; but though it may require an inferior tribunal to exercise its judgment or proceed to the discharge of any of its functions, it cannot control judicial discretion.

SEC. 29. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*



## CHAPTER LXXXVIII.

## PROCEDURE—CIVIL.

AN ACT to amend an act entitled "an act regulating the jurisdiction and procedure before justices of the peace in civil cases.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section two of chapter 81 of the general statutes of 1868, relating to the civil jurisdiction of justices of the peace, is hereby amended so as to read as follows: "Sec. 2. Under the limitations and restrictions, herein provided, justices of the peace shall have original jurisdiction of civil actions for the recovery of money only, and to try and determine the same where the amount claimed does not exceed three hundred dollars. Second. To try the action for the forcible entry and detention, or detention only, of real property. Third. To issue orders of attachment and proceed against the goods and effects of debtors in certain cases. Fourth. To issue subpoenas for witnesses, and compel their attendance in causes and matters pending before them, or other cause or matter wherein they may be required to take depositions. Fifth. To issue executions on judgments rendered by them. Sixth. To proceed against security for costs and bail for the stay of execution before them in the manner prescribed by law. Seventh. To proceed against constables failing to make return, making false return, or failing to pay over money collected on execution issued by such justice. Eighth. To administer any oath or affirmation authorized or required by law to be administered. Ninth. To take the acknowledgment of deeds, mortgages, and other instruments in writing. Tenth. To act, in the absence of the probate judge, in the trial of contested elections of justices of the peace. Eleventh. To solemnize marriages."

SEC. 2. Section seven of said chapter 81 is hereby amended so as to read as follows: "Sec. 7. If in any

Title or boundaries of land in dispute.

action commenced before a justice it appears to the satisfaction of the justice that the title or boundaries of land is in dispute in such action, said action shall be staid before said justice, and said justice shall, within ten days thereafter, certify said case, and transmit all papers and process therein to the clerk of the district court of his county, and said case shall be docketed and thereafter proceeded with in the district court as if originally commenced therein; the justice before whom said action is commenced shall require of the defendant setting up said title or boundary, to set forth in his answer or bill of particulars a full and specific statement of the facts constituting his defense of said title or boundary brought in question; and the defendant shall be required to make affidavit of the truthfulness of the statements in his said answer or bill of particulars contained, and that said defense is *bona fide* and not made for vexation or delay, but for the promotion of justice.

#### ORDER OF ATTACHMENT.

SEC. 3. Section 28 of said chapter 81 is hereby amended so as to read as follows: "Sec. 28. The plaintiff in a civil action for the recovery of money may, at or after the commencement thereof, have an attachment against the property of the defendant, and upon the grounds herein stated: First. When the defendant or one of several defendants is a foreign corporation or a non-resident of this state; (but no attachment shall be granted on the ground or grounds in this clause stated, for any claim other than a debt or demand arising upon contract, judgment or decree, unless the cause of action arose wholly within the limits of this state, which fact must be established on the trial;) or, Second. When the defendant or one of several defendants has absconded with the intent to defraud his creditors; or, Third. Has left the county of his residence to avoid the service of a summons; or, Fourth. So conceals himself that a summons cannot be served upon him; or, Fifth. Is about to remove his property, or a part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or, Sixth. Is about to convert his property, or a part

thereof, into money, for the purpose of placing it beyond the reach of his creditors; or, Seventh. Has property or rights in action which he conceals; or, Eighth. Has assigned, removed or disposed of, or is about to dispose of his property, or a part thereof, with the intent to defraud, hinder or delay his creditors; or, Ninth. Fraudulently contracted the debt, or fraudulently incurred the liability or obligation, for which suit is about to be or has been brought; or, Tenth. Where the damages for which the action is brought are for injuries arising from the commission of some felony, or misdemeanor; or, Eleventh. When the debtor has failed to pay the price or value of the article or thing delivered, which by contract he was bound to pay upon delivery."

#### OF GARNISHEES.

SEC. 4. Section 37 of said chapter 81 is hereby amended so as to read as follows: "Sec. 37. When the plaintiff, his agent or attorney, shall make oath, in writing, that he has good reason to and does believe that any person or corporation, to be named, and within the county where the action is brought, has property of the defendant, (describing the same,) or credits in his possession, or is indebted to him, if the officer cannot come at the property, he shall leave with such garnishee a copy of the order of attachment, with a written notice that he appear before the justice, at the return of the order of attachment and answer, as provided in section thirty-nine: *Provided*, That when the garnishee is a corpora- Proviso. tion, the answer day for such garnishee shall in no case be less than ten days from the day of service of the written notice aforesaid; and if the office or place of business of the president or other head of the said corporation, or of the secretary, cashier or managing agent thereof, is not held or kept in the county where the action is pending, the answer day for such garnishee shall not be less than twenty days from the day of service of written notice as aforesaid."

#### OF REPLEVIN.

SEC. 5. Section 55 of said chapter 81 is hereby amended so as to read as follows: "Sec. 55. Justices of

the peace shall have jurisdiction of actions for the recovery of specific personal property not exceeding one hundred dollars in value, as herein provided."

Judgment shall be for what.

SEC. 6. Section 65 of said chapter 81 is hereby amended so as to read as follows: "Section 65. The judgment in the cases mentioned in the two preceding sections shall be for the return of the property, or for the value thereof, or the value of the possession of the same, in case a return cannot be had, and for damages for withholding said property, and the costs of suit."

#### OF APPEALS.

SEC. 7. Section 122 of said chapter 81 is hereby amended so as to read as follows: Sec. 122. The appeal shall be complete upon the filing and approval of the undertaking as provided in section 121. The said justice shall immediately make out a certified transcript of his proceedings in the cause, and shall, within twenty days from the rendition of the judgment, deliver or transmit to the clerk of the district court of his county the said transcript, the undertaking on appeal, and all the papers in the cause; all further proceedings before the justice of the peace in the case shall cease and be stayed on the filing of the undertaking with said justice; no notice of appeal shall be required to be filed or served, and the case shall be tried *de novo* in the district court upon the original papers on which the cause was tried before the justice, unless the appellate court, in furtherance of justice, allow amended pleadings to be made, or new pleadings to be filed."

Clerk shall file transcript and docket appeal.

Plaintiff.

SEC. 8. Section 123 of said act is hereby amended so as to read as follows: "Sec. 123. The clerk on receiving such transcript and other papers as aforesaid, shall file the same and docket the appeal; the plaintiff in the court below shall be plaintiff in the district court.

Appeals to be tried, when.

SEC. 9. Section 124 of said act is hereby amended so as to read as follows: "Sec. 124. If the appeal be taken ten days or more before the first day of the first term of the appellate court appointed to be held thereafter, such appeal shall be tried at such court unless continued in the same manner as other actions pending therein are

continued; if the appeal be taken within ten days next preceding such term of the court, no issue of fact joined in such action shall be tried at such first term, unless upon the written consent of both parties to the action; but it shall be competent for the court to hear a motion to dismiss such appeal, or any other proper motion, or to try any issue of law joined in such action, if both parties be present in person or by attorney; if the appeal be dismissed the cause shall be remanded to the justice of the peace, to be thereafter proceeded in as if no appeal had been taken; on receiving his fees in the case, the clerk of the court shall certify to the justice the order of dismissal, and he shall remit with such order all the papers returned by the justice on the appeal, except the transcript and undertaking; he shall also state the amount of his fees in the case, which shall be added to the costs in the case before the justice, and collected with each [such] other costs, and paid to the party advancing the same."

Issue of fact.

In case the appeal be dismissed.

SEC. 10. Section 132 of said act is hereby amended so as to read as follows: "Sec. 132. An appeal may be taken from the final judgment of a justice of the peace in any case, except in cases hereinafter stated, in which no appeal shall be allowed: First. On judgments rendered on confession. Second. In jury trials, when neither party claims in his bill of particulars a sum exceeding twenty dollars.

Appeal may be had from judgment of a justice, except in what cases.

SEC. 11. In appeals taken by the defendant in actions for the forcible entry and detention, or forcible and unlawful detention of real property, the undertaking on appeal shall be conditioned that the appellant will not commit or suffer waste to be committed on the premises in controversy; and if, upon the further trial of the cause, judgment be rendered against him, he will pay double the value of the use and occupation of the property from the date of the undertaking until the delivery of the property, pursuant to the judgment, and all damages and costs that may be awarded against him.

Appeal by defendant in actions for forcible entry and detention of real property, conditions of undertaking.

#### EXECUTION AFTER STAY OF JUDGMENT.

SEC. 12. In cases where execution on any judgment

Stay of execution  
of judgment ex-  
pired, what pro-  
ceedings.

shall be stayed, as provided by sections 134 and 135 of said chapter 81, and such judgment shall not be paid or satisfied, the justice, after the stay shall have expired, shall issue an execution on such judgment against the judgment debtor and his surety, which execution shall be in the following form :

County of \_\_\_\_\_, ss.

The state of Kansas, to A. B., constable of \_\_\_\_\_, in said county, greeting :

Whereas, C. D., on the \_\_\_\_\_ day of \_\_\_\_\_, 187—, in an action then pending before the undersigned, justice of the peace, recovered a judgment against E. F., for the sum of \_\_\_\_\_ dollars, and the further sum of \_\_\_\_\_ dollars as costs of suit : And whereas, on the \_\_\_\_\_ day of \_\_\_\_\_ 187—, G. H., entered into an undertaking, as surety for the said E. F., for a stay of execution for \_\_\_\_\_ days, which time has now elapsed ; and whereas, the said judgment still remains unsatisfied : Now, therefore, you are hereby commanded that of the goods and chattels of the said C. D. [E. F.,] you cause the said judgment and costs to be satisfied as provided by law ; and for want of sufficient goods and chattels of the said C. D. [E. F.,] that you cause said judgment and costs to be satisfied out of the goods and chattels of the said G. H., and you are hereby required to make a return of this execution, with your certificate thereon, showing the manner in which you have executed the same, within thirty days from the time of your receipt hereof.

Witness my hand at \_\_\_\_\_, in said county, this \_\_\_\_\_ day of \_\_\_\_\_ 187—.

J. K., Justice of the Peace.

#### OF BILLS OF EXCEPTION.

To be made within  
ten days.

SEC. 13. Bills of exception may be made, signed and sealed in any case tried before a justice of the peace, whether the action be tried by a jury or by the justice, and such bill may be signed and sealed at any time within ten days from the day on which judgment is given in the action, and not thereafter.

SEC. 14. In all bills of exception it shall be competent for the party preparing the same to set out the pleadings,

motions and decisions of the justice of the peace thereon; and the whole of the evidence given or so much as may be necessary to preserve the point or points raised and decided on the trial; and the rulings and decisions of the court and exceptions made thereto on the trial.

SEC. 15. Section 186 of chapter 81 of the general statutes of 1868, relating to security for costs in civil actions in justices' courts, is hereby amended so as to read as follows: "Section 186. When a person intending to bring an action before a justice of the peace is a non-resident of the county in which he intends to commence such action, the justice shall, previous to his issuing process, and in all other cases the justice may, either before or after the issuing process, require the plaintiff to give security for the costs of suit, which may be done by depositing a sum of money deemed by the justice to be sufficient to discharge the costs that may accrue in the action, or by giving an undertaking, with surety approved by the justice, payable to the adverse party, for the payment of all costs that may accrue in the action; where security is required after suit brought, if the order for security be not complied with, the justice may dismiss the action at the costs of the plaintiff."

SEC. 16. Original sections 2, 7, 28, 37, 55, 65, 122, 123, 124, 132 and 186, and sections 125, 126 and 127 of chapter 81 of the general statutes of 1868 are hereby repealed.

SEC. 17. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER LXXXIX.

### CONCERNING THE POOR.

AN ACT to amend an act entitled an act for the relief of the poor.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section twenty (20,) chapter seventy-nine (79,) of the general statutes, entitled "an act for the relief of the poor," be amended so as to read as follows :

Per diem of overseers.

"Sec. 20. The overseers of the poor in each township and city in the state shall be entitled to receive each three dollars per day for each and every day during which they shall be necessarily employed in the discharge of their several duties, to be allowed by the board of county commissioners, on being satisfied of such service having been performed."

Asylum or farm may be sold.

SEC. 2. Section thirty-four of chapter seventy-nine of an act approved March 5, 1862, be amended to read as follows: "Sec 34. Any asylum or farm provided by the board of county commissioners for the purpose, may be discontinued by such board, and the property, real and personal relating thereto which belongs to the county, may be sold, leased, or otherwise disposed of, or applied in such manner as may be best for the interests of the county: *Provided*, That no asylum or farm which exceeds in value the sum of three thousand dollars shall be sold by said county commissioners, unless the question of selling said asylum or farm shall be first submitted to a vote of the people at some general or special election, and a majority of all the votes cast at an election held for that purpose shall be in favor of such sale.

Proviso.

Question shall be submitted to a vote.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office,



and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XC.

### MUNICIPAL TOWNSHIPS.

AN ACT to enable municipal townships to subscribe for stock in any railroad, and to provide for the payment of the same.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Whenever fifty of the qualified voters, they Petition. being freeholders, of any municipal township in any county in the state, shall petition in writing the board of county commissioners of such county to submit to the qualified voters of such township a proposition to take stock, in the name of such township, in any railroad proposed to be constructed into or through such township, and shall in such petition designate the railroad company and the amount of stock proposed to be taken, and the mode and terms of payment for the same, together with the conditions of such subscription, if any, it shall be the duty of such board of county commissioners to cause an election to be held by the qualified voters of such township, to determine whether such subscription shall be made: *Provided*, That the amount of bonds voted by any township shall not be above such an amount as will require a levy of more than one per cent. per annum on the taxable property of such township to pay the yearly interest on the amount of bonds issued.

County commissioners shall cause an election to be held.

Tax shall not be more than one per cent. per annum for interest.

Order for election  
shall specify what.

SEC. 2. The board of county commissioners shall make an order for holding of the election contemplated in the preceding section, and specify therein the amount of stock proposed to be subscribed, the mode and terms of payment, the name of the railroad company, the conditions of such subscription, if any, as may be named in the petition, the day the election is to be held, and prescribe the form of the ballots to be used at such election for and against such subscription.

Conditions as to  
time of holding  
such election.

SEC. 3. If the time for holding the next general election, after the date of making the order in the last section provided, shall not be more than sixty days, the said election provided for in the two preceding sections shall be held on the day of said next general election, and notice thereof shall be given and the election held and returns thereof made, and the result ascertained and proclaimed, as may be provided by law for general elections.

County commis-  
sioners may order  
special election.

SEC. 4. If the next general election to be held is more than sixty days from the date of said order, then the board of county commissioners may order a special election to be held in not less than thirty days, and make an order for the same, specifying as in the order in the preceding sections, and also specifying how notice shall be given, which shall be by publication in some newspaper, if there be one published in the township or county, and also by copy of the order posted up in at least three public places in the township; in all other respects said election shall be held, returns thereof made, and the result ascertained and proclaimed as may be provided by law for general elections.

County commis-  
sioners shall order  
such subscriptions  
made, and cause  
bonds to be issued,  
when.

SEC. 5. If three-fifths of the electors voting at such election vote for the subscription of the stock, the board of county commissioners shall order the county clerk to make such subscription in the name of the township, and shall cause such bonds as may be required by the terms of said vote and subscription to be issued in the name of such township, to be signed by the chairman of the board and attested by the clerk, under the seal of the county: *Provided*, That the commissioners shall not cause such bonds to be issued until the railroad shall have been com-

pleted through the township voting such bonds, or to such point in said township as may be conditioned in said bonds.

SEC. 6. Whenever any bonds shall be issued in pursuance of the foregoing provisions, it shall be the duty of the board of county commissioners annually to proceed to levy and collect a tax on all the taxable property in such township, sufficient to pay the interest on such bonds as the same becomes due, and to create a sinking fund sufficient to pay said bonds at maturity; and such tax shall be collected in cash or the coupons of such bonds which may be due; and such tax shall be collected as county and township taxes are collected, and paid out by the treasurer on presentation of the coupons or bonds, when due, and the county clerk, treasurer and other officers, who may be required to do any act under the foregoing provisions, shall be entitled to the same fees as are allowed by law for similar services, and liable to the same fines and penalties for non-compliance.

County commissioners shall levy and collect tax to pay interest and create sinking fund.

SEC. 7. If any county or township tax shall be assessed and collected from any railroad which may have been built in whole or in part in any township which may have subscribed stock as provided in the foregoing sections, all such county and township tax arising from said railroads within said township shall be set apart and held by the treasurer for the benefit of such township, and applied to the payment of the interest and principal of said bonds, and after the payment thereof the same shall be added to the school fund of said township; if only a general county or other tax is levied and collected from said railroad in the county, then the township or townships which may have aided in the construction of said road as aforesaid, shall be entitled to have of said tax a fair proportion thereof, to be determined by comparing the length of the road in the township to the whole length in the county.

Tax collected from railroad shall be applied how.

SEC. 8. Whenever any sum of the foregoing taxes, collected for interest and sinking fund, shall remain in the hands of the treasurer after paying all the interest due, the board of county commissioners shall cause the

County commissioners shall buy bonds.

"This action is for as it appears to direct another person to pay for the railroad bonds in cash or by coupons of the bonds, in order to bring in cash for the redemption of the bonds of the railroad." No Bonds.

treasurer to buy up the bonds at their market value, not exceeding par.

SEC. 9. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XCI.

### ATCHISON, TOPEKA AND SANTA FE RAILROAD.

IN relation to the Atchison, Topeka and Santa Fe railroad.

WHEREAS, By an act approved March 3, 1863, entitled "an act for the grant of lands to the state of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said state," the congress of the United States did grant to the state of Kansas, for the purpose of aiding in the construction of a railroad from the city of Atchison, by way of Topeka, the capital of the state, to the western line of the state, in the direction of Fort Union and Santa Fe, in New Mexico, every alternate section of land designated by odd numbers, for ten sections in width, on each side of said road; but in case it shall appear that the United

States have disposed of any of said lands, or that the right of pre-emption or homestead settlements have attached to any of them, then there is to be selected, as indemnity lands to supply said deficiency, for the purpose aforesaid, from the public lands of the United States, within twenty miles of said railroad, so much land, in alternate sections and parts of sections designated by odd numbers, as shall be equal to such lands as the United States have disposed of, or to which the right of pre-emption or homestead have attached as aforesaid; and

WHEREAS, The state of Kansas, by an act of the legislature thereof, entitled "an act to accept a grant of lands made to the state of Kansas, by the congress of the United States, to aid in the construction of certain railroads and telegraphs in said state, and to apply the same to the construction of such roads and telegraphs," approved February 9, A. D. 1864, did dispose of said lands to the Atchison, Topeka and Santa Fe railroad company; and

WHEREAS, Said railroad company is not by said act of congress, or by said act of the legislature of Kansas, to receive the title to said indemnity lands so to be selected between the ten and twenty mile limits of the line of said railroad, until they shall have constructed the said railroad to the west line of the state; and

WHEREAS, More than one-half of the lands lying between Atchison and the Arkansas river to which said railroad company will be entitled, all of the said indemnity lands, lying between the ten and twenty mile limits from said railroad, and it being desirable that said indemnity lands may be placed in market and opened for settlement as soon as practicable by said railroad company; therefore,

*Be it resolved by the Legislature of the State of Kansas :*

That the congress of the United States be and the same is hereby respectfully memorialized to modify the aforesaid act of congress so that the said Atchison, Topeka and Santa Fe railroad company shall be entitled to patents for said indemnity lands so lying between the

Memorial.

city of Atchison and the Arkansas river, when the said railroad shall be constructed in the manner provided for in said acts, from Atchison, on the Missouri river, to some point on the Arkansas river.

Assent of the  
state of Kansas.

*Resolved*, That the state of Kansas hereby assents and agrees that the Atchison, Topeka and Santa Fe railroad company may receive the title to all the lands selected as aforesaid, between the ten and twenty mile limit of said railroad, as indemnity for the deficiency within the ten mile limits thereof that may lie between the city of Atchison and the Arkansas river, when the said railroad shall have been constructed, in the manner provided in said act of Congress and said act of the legislature, from Atchison, on the Missouri river, to a point on the Arkansas river.

*Resolved*, That these resolutions shall take effect and be in force from and after their passage, and the secretary of state is hereby instructed to forward an official copy of the same to the president of the senate, speaker of the house of representatives, and to our senators and representative in congress.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled resolution now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XCII.

## IN RELATION TO RAILROADS.

AN ACT to provide for the consolidation and extension of railroads in the state of Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Any two or more railroad companies, in this state, existing under general or special laws, and owning railroads constructed wholly or in part, which when completed and connected will form a continuous line or lines of railroad, and any railroad company organized as aforesaid, and any railroad company duly organized and existing under the laws of an adjoining state, whose lines of railroad shall connect at the state line so as May consolidate. to form when completed a continuous line of railroad, are hereby authorized to consolidate and form one company owning and controlling such continuous line or lines of railroad, with all the rights, powers, privileges and immunities, and subject to all the obligations and liabilities to the state, which belonged to or vested upon either of the companies making such consolidation; in order to accomplish such consolidation, the companies may enter How. into contract fixing the terms and conditions thereof, which shall first be ratified and approved by parties representing two-thirds of all the stock held in each company or road proposing to consolidate, at a meeting of the holders of the stock of said companies called for that purpose, or by the approval, in writing, of the persons or parties holding and representing two-thirds of such stock; and, when so ratified and approved, and a new name for the consolidated company, which the contracting parties are hereby authorized to agree upon, or which may be adopted by the board of directors of the consolidated company, shall have been adopted, a certified copy of such articles of agreement with the corporate name to be assumed Agreement to be filed with secretary of state. shall be filed with the secretary of state, when the con-

solidation shall be considered duly consummated, and a certified copy from the office of the secretary of state shall be deemed conclusive evidence thereof; the boards of directors in the several companies may, upon the said approval and the filing as aforesaid of said certificate, proceed to carry out such contract according to its provisions, calling in the certificates of stock then outstanding in the several companies or roads, and issuing certificates of stock in the new consolidated company under such corporate name as may have been adopted.

May lease, how.

SEC. 2. Any railroad company in this state existing under general or special laws may lease its road to any other railroad company organized under the laws of this state, or to any railroad company duly organized and existing under the laws of an adjoining state whose line of railroad shall so connect with the leased road as to form a continuous line; *Provided*, That before any such lease is valid it must be approved and ratified by persons holding or representing two-thirds of the capital stock of each of such companies respectively at a stockholders' meeting called for that purpose; *Provided, further*, That nothing in the foregoing provisions shall be held or construed as curtailing the right of state or counties through which said consolidated road or roads may be located to levy and collect taxes upon the same and the rolling stock thereof *pro rata* in conformance with the provisions of present laws upon that subject.

May lease, how.

SEC. 3. That any railroad company shall have power to lease its road and appurtenances to any railway corporation organized under the laws of this state or of any adjoining state, when the road so leased shall thereby become in the operation thereof a continuation and extension of the road of the company accepting such lease: *Provided*, That the owners of two-thirds of the stock in each of the companies so leasing its road at a meeting called for the purpose of considering that subject, shall by resolution assent to such lease; and, *Provided, further*, That any agreement to lease any railroad and appurtenances of any corporation organized under the laws of an adjoining state, heretofore executed by the proper officers of such companies may be ratified and made binding



upon the corporation organized under the laws of this state, by the assent of the owners of two-thirds of the stock in each of such companies expressed at a meeting of such stockholders to be called for that purpose, and upon such ratification such agreement to lease shall be taken and held to be binding from the date of its execution.

SEC. 4. This act shall take effect and be in force from and after its publication.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XCIII.

### RAILROADS.

AN ACT defining the liability of railroads in certain cases.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That railroads in this state shall be liable for all damages done to person or property, when done in consequence of any neglect on the part of the railroad companies. Liabie for damage, when.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XCIV.

## REVENUE.

AN ACT to provide revenue for the year one thousand eight hundred and seventy.

*Be it enacted by the Legislature of the State of Kansas:*

Tax to be levied.

SECTION 1. That, for the purpose of raising revenue to defray the current expenses of the state government, and pay interest on the bonds of the state, and to create a sinking fund for the redemption of bonds for the year one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, the proper officers are hereby authorized and directed to levy and collect a tax upon all the property of the state subject to taxation, as follows; For current expenses, six mills on the dollar; for payment of interest, one and one-fourth mills on the dollar; for sinking fund, one half of a mill on the dollar.

How appropriated.

SEC. 2. That the revenue raised under the provisions of this act shall be and is hereby appropriated for the payment of general appropriations, and to pay interest, and to create a sinking fund for the redemption of the bonds of the state, which may have been or may be issued under authority of law.

Tax for interest and sinking fund, how paid.

SEC. 3. That the tax levied for payment of interest, and to create a sinking fund, shall be payable in lawful money of the United States, or matured coupons of the bonds of the state of Kansas, which shall be applied exclusively for the objects herein designated.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office,

and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER XCV.

### STATE ROAD.

An ACT to change a state road.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the state road from Topeka to Council Grove be and is hereby changed as follows: Commencing at the southeast corner of section four (4,) township fourteen (14,) range twelve (12;) thence running west to the southeast corner of section six (6,) township aforesaid; thence west, or westerly, by the most practicable route, until it intersects with the state road by way of Mission Creek to Council Grove.

SEC. 2. Henry C. McKee, George Maggie and Minet Cawkins are hereby appointed commissioners to carry out the provisions of this act, in conformity with the provisions of existing laws.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XCVI.

## STATE ROAD.

AN ACT to locate a state road.

*Be it enacted by the Legislature of the State of Kansas:*

Topeka to Humboldt.

SECTION 1. That a state road shall be located as follows, to-wit: Commencing at Topeka, Kansas, and running to Humboldt, in Allen county, Kansas, on the most practicable route and ground, via Ridgeway, Quinemo, and on to Humboldt, the terminus.

Commissioners.

SEC. 2. That Edward Gill, William Hines, and J. M. Evans, or a majority of them, shall act as a board of commissioners to locate the same, and they shall meet as soon as practicable after the passage of this act and proceed to locate the said road, and said board of commissioners shall be governed in all respects by the provisions of an act entitled an act to establish certain state roads, approved February 29, 1864.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XCVII.

## STATE ROADS.

AN ACT to establish certain state roads.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That state roads, as described in the following sections, shall be located according to the provisions of this act, and that the persons whose names are hereinafter given in connection with said roads, shall act respectively as commissioners for that purpose.

SEC. 2. The roads and commissioners shall be as follows, to-wit: From Garnett, Anderson county, over and along the most practicable route to Leroy, Coffey county, in this state; then over and along the usually traveled thoroughfare to Fredonia, Wilson county, via Belmont, Woodson county, Coyville, Wilson county. Commissioners: M. V. B. Pearsall, of Woodson county; George F. Jackson, of Wilson county; and J. B. Scott, of Coffey county.

From Garnett to  
Le Roy and Fre-  
donia.

Commissioners.

SEC. 3. That a state road four (4) [rods] wide be located as follows, to wit: Commencing at the southeast corner of township number thirty (30,) south of range number twenty-five (25,) east of the sixth principal meridian; on the east line of the state of Kansas; running thence on the township line between townships thirty and thirty-one to the west line of Crawford county; thence west on the county line between the counties of Neosho and Labette to the west line of said counties. Commissioners: D. J. S. Pearce, of Crawford county; William Logan, of Labette county; and Mark Patterson, of Neosho county.

From east line of  
state to west line  
of Labette county.

Commissioners.

SEC. 4. One from Marion Centre, county of Marion, to Wichita, Sedgwick county. Commissioners: A. A. Moore, William Dugdale, and J. S. Griffith.

Marion Center to  
Wichita.

SEC. 5. One beginning at the village of Grasshopper Falls, Jefferson county, Kansas; thence to Winchester of said county and state; thence east on the best route

Grasshopper Falls  
to McLean's cross-  
ing, Leavenworth  
county.

to the northeast corner of section thirty-three (33,) township eight, and range twenty, to county line between Jefferson and Leavenworth counties; thence on best route to the crossing of Stranger creek known as McLean's crossing, in Leavenworth county. Commissioners: Alexander Henderson, F. G. Gibson, of Jefferson county; and Horatio Earhart, of Leavenworth county.

Austin, Neosho  
county, to Fort  
Scott.

SEC. 6. One beginning at the town of Austin, in Neosho county; thence on the most practicable route via the crossing of Canville creek, near the present residence of Simeon Haddan; thence on the most practicable route to Fort Scott, in Bourbon county. Commissioners: Enos William, of Bourbon county; Levi Hadden and A. Southan, of Neosho county.

Girard to Hum-  
boldt.

SEC. 7. One beginning at Girard, in Crawford county; thence to Canville creek, crossing near the northwest corner of section twenty-six, in township twenty-seven, range 20; thence on the most practicable route to Humboldt, in Allen county. Commissioners: C. Dana Sayers, of Crawford county; Samuel Shafer, of Neosho county; and Peter Long, of Allen county.

Humboldt to Fre-  
donia.

SEC. 8. One beginning at Humboldt, Allen county; thence to Altoona and Fredonia, Wilson county. Commissioners: A. Tucker, Wm. Dreamer, and Peter Long.

North line of  
Greenwood coun-  
ty to Parkersburg,  
Montgomery  
county.

SEC. 9. One beginning at or near the north line of Greenwood county, crossing the Verdigris river; thence to Madison Center, in Greenwood county; from thence to Coyville, Guilford, Altoona, Verdi and Neodosha, in Wilson county; thence to Morgan City, Liberty, Westralia, Claymore and Parkersburg, in Montgomery county. Commissioners: George Long, D. B. Brown and Mark Limbed.

Burlingame to  
Madison Center,  
Greenwood  
county.

SEC. 10. One beginning at the town of Burlingame, in Osage county; thence on the most practicable route to Ottumwa, in Coffey county; thence by the way Chestnut's Crossing of the Neosho river to Straunsburg, in Coffey county; thence to Madison Center, in Greenwood county. Commissioners: Harrison Kelly, Enos Straun and William Godfrey.

Garnett to Osage  
Mission.

SEC. 11. One re-established, beginning at Garnett, in Anderson county, to Osage Mission, in Neosho county,

via of Ozark, in Anderson county. Commissioners: A. G. West, Zachary Norris, of Anderson county; and J. D. Hasley, of Allen county.

SEC. 12. One beginning at the town of Ellsworth, in the county of Ellsworth; thence southwest, as near as practicable, to the route now traveled to Fort Zarah; there intersecting with the military road to Forts Larned and Dodge, in the direction of Fort Lyon, on the Arkansas river, to the west line of the state. Commissioners: James Miller, John R. White and Richard Strew, of Ellsworth county. Ellsworth to west line of the state.

SEC. 13. One beginning at the town of Salina, in the county of Saline; thence westwardly, as near the route of the present traveled road as practicable, to the town of Ellsworth, in the county of Ellsworth. Commissioners: James Travis, of Saline county; D. B. Long and Theodore Steinburg, of Ellsworth county. Salina to Ellsworth.

SEC. 14. One beginning at Humboldt, Allen county, and running by the way of Prairie du Chien, Dunn creek valley, Liberty, Claremore, and Westralia, to Parkersburg, Montgomery county. Commissioners: George T. Shepherd, Edward Foster, T. Q. Mewhinney. Humboldt to Parkersburg.

SEC. 15. Twice, [one] beginning at Oswego, Labette county, and running by the way of Elston, Liberty, Independence and Elk river valley to Tipton, Montgomery county. Commissioners: John Elston, J. Jones and T. Billings. Oswego to Tipton.

SEC. 16. One beginning at Clay Center, in Clay county, Kansas; thence to the west line of Riley county, at the terminus of the county road, in said county, between sections thirty-four and thirty-five, in township six, range four east; thence on or near said road, in said county, between sections thirty-four and thirty-five, in township six, range four east, to the crossing of Fancy creek, in Riley county, over the most practicable route to the parallel postoffice, in said county; thence over the best route to Waterville, in Marshall county, Kansas. Commissioners: R. P. Spencer, R. Meheuk and John Kennedy. Clay Center to Waterville.

St. Louis to Gree-  
ley.

SEC. 17. One beginning at the town of Saint Louis, Miami county; thence in a southwesterly direction on the most practicable route, by the way of New Lancaster, Miami village and Fontana, in said county, to the town of Greeley, in Anderson county. Commissioners: William Carr and James M. Walthal, of Miami county; and William H. McClure, of Anderson county.

Topeka to Esk-  
ridge.

SEC. 18. One beginning at the city of Topeka, in Shawnee county; then[ce], via Auburn, to Eskridge, in Wabaunsee county. Commissioners: C. C. Moore, Benjamin Beckus, E. H. Sanford.

From Doniphan  
and Kenekuk  
road to Atchison  
and Kenekuk  
road.

SEC. 19. One beginning at the center of section twenty-seven (27,) town four (4,) range nineteen (19,) in the Doniphan and Kenekuk road in Doniphan county; running thence in the direction of Atchison on the nearest practicable route, to intersect the Atchison and Kenekuk road at the southwest corner of the northwest quarter of section seven (7,) town five (5,) range twenty (20,) in Atchison county. Commissioners, John L. Blair, W. D. Rippey and Ira C. Underwood.

Endora to Olathe.

SEC. 20. One beginning at the city of Endora, in Douglas county, from thence by the nearest practicable route to Olathe, in Johnson county, Kansas. Commissioners: A. Donavan, Thomas Oshell and J. B. Mahaffie.

Emporia to Coffeyville.

SEC. 21. One beginning at the town of Emporia, Lyon county, Kansas; thence southeast to the town of Parker, in Montgomery county, via of Eureka, in Greenwood county, New Albany, in Wilson county, and Independence and Coffeyville, Montgomery county, by the most practicable route. Commissioners: W. H. Graham, of Montgomery county, John Creswell, of Wilson county, and R. M. Clark, of Lyon county.

Columbus to Chetopa.

SEC. 22. One beginning at Columbus, in Cherokee county, to Chetopa, Labette county, on the most practicable route. Commissioners: Sidney S. Smith, Louis Palmer, of Cherokee county; and George Lisle, of Labette.

Fredonia to St. Paul.

SEC. 23. One from Fredonia, Wilson county, via mouth of Duck creek to St. Paul, Montgomery county. Commissioners: John Cappel, A. E. Baird, Z. Overman.

SEC. 24. One beginning one block east of the south-



west corner of the old plat of the town of Olathe, and running thence west on the road as laid out on plat of the Santa Fe road as recorded in the county clerk's office, through the towns of Gardener and Lanesfield to the west line of Johnson county. Commissioners: C. F. Dillie, J. W. Sponable, George White.

Olathe to west  
line Johnson  
county.

SEC. 25. One from Cottonwood Falls, Chase county, on the nearest and most practicable route to Wichita, Sedgwick county. Commissioners: John Scribner, Chase county; John Wentworth, Butler county; and Frank Fulton, Sedgwick county.

Cottonwood Falls  
to Wichita.

SEC. 26. One from Leroy, Coffey county, Kansas to Salt Springs, Greenwood county, via Clomo and Toronto, Woodson county, Kansas. Commissioners: Thomas P. Arnold, Enoch Reaves, John B. Scott.

Leroy to Salt  
Springs, Green-  
wood county.

SEC. 27. One from Waterville, Marshall county, to Washington, Washington county, by the most direct practicable route: *Provided*, Said road shall cross Mill Creek at a point between the farm of E. B. Cook and the claim commonly known as the Scott claim. Commissioners: O. Sawyer, L. R. Hollowell and J. C. McCandless.

Waterville to  
Washington.

SEC. 28. One from Lindsay, Ottawa county, to Waterville, Marshall county, by most direct route. Commissioners: S. Ayers, H. H. Tucker, J. F. Walker.

Lindsay to Water-  
ville.

SEC. 29. One from Lawrence, in Douglas county, to Topeka, in Shawnee county. Commissioners: Alexander Kirk, Thomas Clark, W. H. Peckham.

Lawrence to To-  
peka.

SEC. 30. One from Grasshopper Falls, in Jefferson county, to Effingham, Atchison county. Commissioners: Daniel Neill, John Nevins, and W. C. Hicks.

Grasshopper Falls  
to Effingham.

SEC. 31. The state road from Atchison to Easton is hereby vacated from Atchison to the south line of Atchison county, and in lieu thereof the road is located as follows: From Atchison to Mt. Pleasant, on the nearest and most practicable route; and from thence towards Easton on the most direct and practicable route to the south line of Atchison county. Commissioners: James Dougan, Jas. McArdle, and Joseph Maxwell.

Atchison to  
Easton.

SEC. 32. From a point on the military road where the section line between sections 21 and 22, township 12 south, of range 1 east, cuts said road to the mouth of the Solomon river; thence on the best route to the present county road at or near the southeast corner of the southwest quarter of section 27, township 13 south, of range 1 west. Commissioners: T. H. Strickler, and C. O. Wright, of Saline county; and Newton Blair, of Dickinson county.

Emporia to  
Cresswell.

SEC. 33. One from Emporia, in Lyon county, to Cresswell, in Cowley county. Commissioners: E. Borton, — Johnson, and G. H. Norton.

North line Green-  
wood county to  
New Albany.

SEC. 34. One from a point where the north line of Greenwood county crosses the Verdigris river, or as near thereto as practicable; thence to the east fork of Fall river; thence down the valley of said river via Eureka and Twin Falls to New Albany, in Wilson county. Commissioners: Alf. Davenport, David E. Miles, and Ransom Johnson.

North line Mar-  
shall county to  
south line of same

SEC. 35. One commencing at the northern boundary of Marshall county, Kansas, where the Big Blue river enters the state, running thence along the valley of said river via Irving to the southern boundary of said county. Commissioners: I. Bogne, S. W. Hazen, and Samuel Thompson; and that portion of a road number five in Vermillion township, Marshall county, which runs through section nineteen, township three south, of range nine east, is hereby vacated.

Made valid.

SEC. 36. That the survey and location of the state roads mentioned in sections 22 and 23 of chapter 110 of the laws of 1869 as made by the commissioners thereof, and the commissioners' report of the same be and the same are hereby legalized and made valid.

Commissioners  
shall meet, when.

SEC. 37. Each board of commissioners shall meet on or before the first Monday in August next, at the place designated for the commencement of the road they are to locate, and having first elected one of their number chairman, and another secretary, and been sworn by any officer authorized to administer oaths, faithfully to discharge their respective duties, and proceed to make a

preliminary survey; should any commissioner or commissioners be unable or refuse to serve as such, the remaining commissioner or commissioners shall fill the vacancy or vacancies with some suitable person or persons from the same locality.

Vacancies, how filled.

SEC. 38. Each board shall procure necessary assistance and proceed to locate the roads upon the most direct and practicable route, not less than sixty feet nor more than one hundred feet in width, carefully planting double stones in the exact middle at all angles, and at distances not greater than eighty rods apart, and said roads shall be open and remain open for the purpose of public travel.

Shall proceed, how.

SEC. 39. The whole amount of expenses incurred by each board in locating its road shall not exceed two dollars and one half per mile, including their own expenses and per diem of two dollars each day spent in actual service; said board shall cause to be kept an account of all expenditures, in detail, which account shall be rendered to the board of county commissioners in the counties through which said road shall pass; upon the receipt of such report the county commissioners shall audit the account and draw warrants on the county treasurer for the amount in proportion to the distance said road is located in their respective counties.

Expenses.

SEC. 40. It shall be the duty of all persons claiming compensation for the right of way for any of the above roads through their lands, to present such claims to the road commissioners at the time of locating the road, or to the county clerk of the county in which such land is situated within thirty days thereafter, otherwise they shall be forever debarred.

Claims for right of way.

SEC. 41. Said commissioners are authorized to negotiate with the owners of the land and improvements, through which the road may pass, for the right of way, and all requirements shall be in writing, and signed by the owner of the land and at least two of the commissioners, and a minute made upon the record of the survey, showing the amount of damage claimed, if any, and if approved by the county board of commissioners, they shall order warrants to be drawn upon the county treas-

Right of way.

urer in favor of the parties sustaining such damage: *Provided*, That no damage shall be allowed for the passage of any of the state roads herein named through any lands or improvements, when such roads are located on the line of any other lawful road.

SEC. 42. That when no satisfactory agreement can be made with the owners of any lands or improvements through which any road may be located, the commissioners shall return the record of the amount offered by them to such persons to the county commissioners transacting county business.

Appeal.

SEC. 43. Any owner of land claiming damages not allowed by the county commissioners, by the reason of the opening of any road, may appeal to the district court of the county in which the said land is located: *Provided*, Such appeal be made in thirty days after the decision of the said county board of commissioners, the location of the said road, and the decision of the said court shall be final; and if the damages thus awarded shall exceed the amount allowed by the county commissioners, the cost of suit, together with all damages allowed, shall be borne by the county; but if they shall not exceed the amount allowed the costs shall be adjudged against the said claimants, and, until paid, shall stand as a judgment against his property, the same as though rendered in any other suit.

Report of commissioners.

SEC. 44. It shall be the duty of each board to make a full report of their proceedings to the secretary of state, and to the county commissioners of each county through which their road shall pass, and said report shall be accompanied by a map or chart showing the length of the road in miles, and the counties and townships.

SEC. 45. It shall be the duty of the several boards of commission[ers], in creating the various roads provided for in this act, to locate the same upon the best possible ground consistent with straight and direct lines, as near as possible, avoiding in all cases making two or more angles, where good ground for a road can be had upon a direct course, with but one angle; and whenever a county, territorial or state road has been provisionally

laid out in the direction of the proposed state road, then, provided such road be practicable, the commissioners shall accept such county, territorial or state road as the proposed state road, and the commissioners shall be entitled to no compensation for such location.

SEC. 46. Upon the receipt of said report, it shall be the duty of the board of county commissioners of any county through which said road shall pass, immediately to cause said road to be opened through said county according to law: *Provided*, That if any of said roads shall be located through any field with crops growing therein, or shall be located as otherwise to require the removal of any fence, the said board of county commissioners shall allow a reasonable time for opening the same.

SEC. 47. The roads heretofore laid out by authority of law, and are known as territorial roads, which have not been vacated by law, are hereby declared state roads, and shall be kept open and in repair, according to the provisions of this general road law.

SEC. 48. The state shall in no case be responsible for any expenses incurred in the location of the roads herein provided for.

SEC. 49. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER XCVIII.

## STATE ROADS.

AN ACT in relation to state roads.

*Be it enacted by the Legislature of the State of Kansas :*Commissioners  
shall meet, when.

SECTION 1. That the roads as hereinafter described shall be located according to the provisions of an act entitled an act to establish certain state roads, approved Feb. 29, 1864; and the persons whose names are hereinafter given in connection with said roads, shall act respectively as commissioners for that purpose, and shall meet at the place designated as the commencement of each of said roads, on or before the first day of September, A. D. 1870. The roads and commissioners shall be as follows, to-wit:

Neosho and Bour-  
bon counties.

SEC. 2. One commencing at Erie, Neosho county, Kansas; thence running on the most practicable route in a northeasterly direction, crossing Flat Rock creek at what is known as the Kingsley ford; thence in a northeasterly course to Marmaton City, Bourbon county; thence on the most practicable route to Fort Scott, Bourbon county, Kansas. Commissioners: Enoch F. Williams, John W. Ferguson, and Hanson Bretton.

Erie to Fort Scott.

Neosho and Wil-  
son counties.

SEC. 3. One commencing at Erie, Neosho county, Kansas; thence southwest via Wooster and Prairie du Chien; thence west on the most practicable route to Fredonia, Wilson county, via Verdi. Commissioners: David Furnas, Esquire Miller and R. N. Ashmore.

Erie to Fredonia.

Marshall and Clay  
counties.

SEC. 4. One commencing at Irving, Marshall county, Kansas; thence south on section line between sections (11) eleven and (12) twelve, town (5) five, range (7) seven east, one-half mile; thence west up the valley of Game Fork, north side, to section line between sections (21) twenty-one and (22) twenty-two, town (5) five, range (7) seven east; thence south on the most practicable route to the first standard parallel; thence west by the most

practicable route on said parallel line to the town of Clifton, on the Republican river, in Clay county, Kansas. Commissioners: M. Conley, A. Buckhont, and Henry C. Davis.

SEC. 5. One from Emporia, in Lyon county, to the town of Cresswell, in Cowley county. Commissioners: Edward Barton, A. A. Jackson, and H. G. Norton.

Lyon and Cowley counties.

Emporia to Cresswell.

SEC. 6. One commencing at or as near as practicable to the northeast corner of town (22) twenty-two, range (10) ten, in Greenwood county; thence following as near as practicable the valley of Fall river, via Eureka, Town Falls and Salt Springs, to New Albany, in Wilson county. Commissioners: David E. Miles, Alf. Davenport, and Ransom Johnson.

Greenwood and Wilson counties.

SEC. 2. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER XCIX.

## STATE ROAD LEGALIZED.

AN ACT to legalize a certain state road.

WHEREAS, In the case of the roads located by the act entitled an act to establish certain state roads, approved February 29, 1864, from the northeast corner of township No. 12, range 15; thence west one mile; thence south one-half a mile; thence west through the center of sections two and three, township 12, range 15, to the Pottawotomie reserve; thence to a crossing on the Lykins branch, below the old Mission creek road; thence to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence to the line of the Pottawotomie reserve; thence west one-fourth mile on said line; thence straight to the fork of the state road and Ross road, or station number 12, Topeka and Council Grove state road, the commissioners therein named did make a full report of the proceedings, accompanied by a map or chart, showing the length of road in miles, and the counties and townships to the county commissioners of the county through which said road passes, as required by section 11 of said act, but did not make such report to the secretary of state as was required by said section 11: Now, therefore,

*Be it enacted by the Legislature of the State of Kansas:*

County clerk shall file with secretary of state a copy of road commissioners report.

SECTION 1. That the county clerk of the county through which said road passes, may file with the secretary of state a copy of the report and accompanying map or chart, made by the commissioners who located the said road to the county commissioners of the county through which said road passes, and the filing of such copy with the secretary of state, shall have the same force, effect and validity as if the report of said commissioners had been made to the secretary of state, in manner and form



as required by section eleven of said act, and therefore said road shall be held to be duly located as required by law.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER C.

### ROADWAYS—FRANKLIN COUNTY.

AN ACT entitled an act in relation to roadways through certain lands in Franklin county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the owners and proprietors of the following lands, in Franklin county, in said state, described as follows, to wit: Sections 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, in township 16, range 17; also, sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, and the west fractional part of 35 and 36, in township 16, range 18, shall, in consideration of valuable improvements already made and about to be made upon said lands, be authorized and empowered, for the term of five years from and after the first day of April, 1870, to fence all of said lands in a body, with the

condition that they shall keep a good and convenient gate at the entrance of any highway into or through such premises during that time.

SEC. 2. Nothing in the above section shall be construed to prevent the laying out and use of any public highway through said lands in pursuance of any laws of this state, with the above exception.

SEC. 3. This act shall take effect and be in force from and after its publication.

Approved February 14, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CI.

### ROADS AND HIGHWAYS.

AN ACT to amend sections 18, 20, 26 and 29 of an act entitled "an act in relation to roads and highways," approved March 2, 1868.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 18 of an act entitled "an act in relation to roads and highways," approved March 2, 1868, be amended so as to read: "Section 18. All male persons, between twenty-one and forty-five years of age, who have resided thirty days in the state, who are capable of performing manual labor, and who are not a township charge, shall be liable, each year, to perform two days' work, of eight hours each, on the public roads, under the direction of the road overseer within whose district they may respectively reside, or furnish a substitute to do the same, or pay the sum of one dollar and fifty

Persons liable to perform work on public roads.

cents per day to said road overseer, who shall receipt for the same and expend it in repairs on the public roads within his district; and any moneys so received and not expended, shall be paid over to his successor in office, who shall expend the same as above provided.

SEC. 2. That section 20 be amended so as to read :  
"Section 20. Whenever it shall happen, in consequence of sickness or absence from home, or any other cause, that the two days' work aforesaid shall not be performed within the time specified in this act, the overseer shall be authorized to require the performance of such work at any time prior to the first day of November then next ensuing; and in any case when any person who shall neglect or refuse to do the two days' of road work, or furnish a substitute, or pay the said sum of one dollar and fifty cents per day, as provided in this act, he shall be deemed guilty of a misdemeanor, and shall be fined <sup>Fines</sup> in the sum of five dollars for such refusal so to work, upon conviction before any justice of the peace of the township; if any person shall appear, at the proper time and place, as directed by the overseer, and neglect or refuse to do a reasonable day's work, according to his ability, he shall be liable the same as if he neglected or refused to appear, or furnish a substitute, or pay the said sum of money as provided herein.

SEC. 3. That section 26 be so amended as to read :  
"Section 26. The road overseers of the several districts shall give three days' notice to persons residing in their respective districts charged with the tax mentioned in the preceding section, of the time and place they will attend and direct the labor to be performed; and in case the whole of said tax, due from the residents within any district, shall not be paid in pursuance of the first notice, in consequence of absence from home, sickness or other inability, the overseer shall appoint a time that he will again attend, and shall give notice as aforesaid to such delinquents, and the road overseers shall be allowed two dollars per day for all services required by this act, and actually performed in their respective districts, exclusive of his own road or poll tax, to be paid by the township treasurer on the order of the trustee.

Repairs, how  
made.

SEC. 4. That section 29 be so amended as to read:  
"Section 29. If, at any time, any highway shall be obstructed or become impassable, or any bridge shall be impaired so as to be unsafe, it shall be the duty of the overseer of the district in which such obstruction, impassable road or impaired bridge may be situated, to cause such obstruction to be removed, or such road or bridge to be repaired forthwith, for which purpose he shall order out such number of inhabitants of his district as will be necessary to make said repairs, and every person so ordered out who shall refuse or neglect to attend with proper implements, or shall spend the time in idleness, shall be liable to a fine of five dollars.

SEC. 5. That original sections 18, 20, 26 and 29 of the act to which this is amendatory be and they are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its publication.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

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## CHAPTER CII.

### BOURBON COUNTY.

AN ACT to change and vacate portions of certain roads in Bourbon county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all that part of the state road from Paola to the south line of Bourbon county, (in the direc-

tion of Osage Mission,) between the points where said road leaves the section line between sections ten and eleven, in township twenty-four south, of range twenty-two, and where it strikes the section line between sections two and three, in township twenty-five south, of range twenty-two east, is hereby vacated; and the same shall <sup>Vacated.</sup> hereafter be located and run upon the section line between <sup>Located.</sup> these points; and all that part of the county road from Fort Scott to Xenia, between the point where it leaves the section line between sections ten and eleven, in township twenty-four south, of range twenty-two east, and the northeast corner of section twenty-six, in same township and range, is hereby vacated; and the same shall run and be located on the section line between sections ten, eleven, fourteen, fifteen, twenty-two and twenty-three; and thence east on the section line between sections twenty-three and twenty-six; and all township roads in sections ten, eleven, fourteen, fifteen, twenty-two, twenty-three, twenty-six, twenty-five and thirty-five, in township twenty-four south, of range twenty-two east, are hereby vacated and annulled.

SEC. 2. So much of a state road running from Paola, <sup>Vacate.</sup> via Ossawatimie, Jackson post office, Keokuk, Xenia and Rockford, to the northern line of Neosho county, as is located between Rockford, Bourbon county, to where it intersects the section line between sections 26 and 27, township twenty-six (26,) range twenty-two (22,) be and is, hereby vacated.

SEC. 3. This act shall take effect from and after publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CIII.

## STATE NORMAL SCHOOL.

AN ACT to provide for state normal schools.

*Be it enacted by the Legislature of the State of Kansas:*

Purpose of said school.

SECTION 1. That there shall be established in northern Kansas one normal school: *Provided*, That in any town or city of said district there shall be established and in successful operation a thoroughly graded system of schools: and, *Provided further*, That such town or city shall give to the state the use of suitable rooms and apparatus for the successful working of said normal school, free of charge; the exclusive purpose of said school shall be the instruction of persons in the art of teaching, and in all the various branches of education that pertain to the qualification of teachers in the public schools of the state.

Commission to receive proposals.

SEC. 2. The governor, secretary of state and the superintendent of public instruction shall constitute a commission whose duties shall be to receive proposals from any town or city of any judicial district which may comply with the conditions of section one of this act for the establishment of a normal school in said town or city; said commissioners shall meet, or a majority of them, at Topeka, on the tenth day of March A. D. 1870, and annually thereafter, to examine said proposals, and to locate said school in that place where, in their judgment, the best facilities are offered.

Shall meet, when.

Directors appointed, how.

SEC. 3. Directors. The board of directors of such normal school shall consist of twelve members, nine of whom shall be nominated by the board of education of the town or city where the normal school is located, and these nominations shall be subject to the confirmation of the state superintendent of public instruction, and the (3) three shall be appointed by the state superintendent outside of the county in which said normal school is located,

and no member of said board shall receive any compensation for services as director; the term of office shall be six years, but the first board shall contain but four members for the full term, four for a fractional term of four years, and four for a fractional term of two years; they shall hold their offices until their successors are appointed, and all vacancies shall be filled as above provided, by appointment by the board of education and confirmation of the superintendent of public instruction.

SEC. 4. The board of directors are hereby authorized to organize by the election of necessary officers, to make by-laws for their meeting and government in the transaction of their business, and shall have power to transact all necessary business at any meeting, a quorum being present; a quorum shall consist of a majority of the members.

Board, how organized.

SEC. 5. Said board of directors shall have power to appoint officers, fix salaries, prescribe books to be used in said school, courses of instruction, and to make all the regulations necessary for the successful working of said school.

Powers of board.

SEC. 6. Said board is hereby authorized to constitute any or all of the graded schools of said town or city as an experimental department in which the advanced pupils of the normal school shall have the opportunity to observe and practice the modes of instruction and discipline inculcated in the normal school.

SEC. 7. When any of the schools are prepared to receive pupils, the secretary of the board of directors shall notify the superintendent of public instruction, who shall immediately give notice of the same to each of the county superintendents of the state.

SEC. 8. That each representative and senatorial district of the state shall be entitled to send and to have one pupil in each normal school during each separate course of instruction; said pupil must be recommended by the representative of the district to the board of directors, and be a resident of the district; the pupil thus recommended shall be admitted free of tuition: *Providing*, The applicant shall be fifteen years of age, shall be of good

Of pupils.

moral character, and shall sustain a satisfactory examination, and sign a declaration of intention to follow the profession of teaching.

SEC. 9. If any representative district shall fail to represent itself by any pupil in any of the said normal schools, their places may be supplied by any other representative district of the state, the manner of appointment being the same as in section 8th.

Superintendent of public instruction shall appoint three visitors.

SEC. 10. After any normal school shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of the normal board, who shall be appointed by the superintendent of public instruction, who shall examine minutely the various departments of the school, and report in writing to the superintendent of public instruction their views with regard to its condition, and any other matters they may judge expedient; such visitors shall be appointed annually.

Duties of superintendent of public instruction.

SEC. 11. It shall be the duty of the superintendent of public instruction once, at least, in each year to visit each normal school, and annually make to the legislature a full and detailed report of the doings of the board of directors, and of all of their expenses, and the moneys received from every source, and the prospects, progress and usefulness of said school.

Proposals may be made by whom.

SEC. 12. The board of education of any town or city having a thoroughly graded system of schools, with a high school department in successful operation, is hereby authorized to make proposals to the state normal commissioners for the location of a state normal school, and to furnish suitable rooms and apparatus for the successful operation of said normal school; and the said board of education may, if they see proper, furnish the use of the public school buildings and apparatus for such purpose.

Annual appropriation.

SEC. 13. The annual appropriation for such normal school shall not exceed six thousand dollars, and the same, or so much thereof as is necessary, may be drawn quarterly by the superintendent of public instruction on presentation of the order of the board of directors to the auditor of state, who shall audit the account and issue his



order on the state treasurer for the same; the president of the board shall disburse said money as directed by the board of directors.

SEC. 14. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 8, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CIV.

### ATCHISON—PUBLIC SCHOOL.

A JOINT RESOLUTION in relation to the public school of the city of Atchison.

WHEREAS, On the 18th of October, 1869, the public school house in the city of Atchison was destroyed by fire, by which calamity said city was deprived of school facilities, for want of suitable rooms, in consequence of which said city has only been enabled to maintain a public school for a period of six weeks during the past year; and

WHEREAS, The school law requires that a public school shall be kept up for a period of three months in each school district every year, in order that it may be entitled to its quota of the public school fund; therefore  
*Be it resolved by the Legislature of the State of Kansas:*

That the said city of Atchison is hereby released from

the operation of said law for the school year ending September 15th, 1870, and that the school board of said city is hereby authorized to receive its proper quota or share of the public school fund, and that said share shall be paid over to said board, as if no disability had occurred from its failure to comply with the provisions of said law.

This joint resolution to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled joint resolution now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CV.

### SCHOOL DISTRICTS.

AN ACT to enable school districts to purchase school district libraries.

*Be it enacted by the Legislature of the State of Kansas :*

May vote tax,  
how.

SECTION 1. That the several school districts of the state may, at the annual meeting in each year, vote a tax upon all the taxable property of the district, not to exceed two mills on the dollar, which tax shall be certified by the district clerk to the county clerk, at the same time and manner as other school district taxes are certified, and the county clerk shall place the same on the tax roll of the county in a separate column, designating the purpose for which such tax was levied; and said tax shall be collected and paid over to the treasurer of said district in all respects

as other school district taxes are collected and paid: *Pro-* Proviso.  
*vided, however,* That in districts where the taxable property of the district is more than twenty thousand dollars, and not more than thirty thousand, there shall not be levied more than one and a half mills on the dollar; and where the taxable property is more than thirty thousand dollars, and not more than fifty thousand, there shall not be levied more than one mill on the dollar; and in all cases where the taxable property of the district shall exceed fifty thousand dollars, there shall not be levied more than one half mill on the dollar.

SEC. 2. The money so collected shall be used under For library.  
the direction of the board of directors, for the purchasing of a school district library, and for no other purpose, and the district board, in the purchase of books, shall be confined to works of history, biography, science and travels.

SEC. 3. The district clerk shall be the librarian unless Librarian.  
the board of directors shall appoint some other competent and suitable person, who shall reside in the district, to perform the duties of that office; and the board shall have power to make such rules and regulations in regard to the management of said library as they shall deem best, and they shall revise and change said rules from time to time, as the necessities of the case may require.

SEC. 4. This act shall take effect from and after its publication once in the *Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CVI.

## BROWN AND NEMAHA COUNTIES.

AN ACT to enable joint school district number one (1) of Brown and Nemaha counties, in the state of Kansas, to increase the levy of taxes for teachers' wages.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. The legal voters of joint school district number one (1,) of the counties of Brown and Nemaha, in the state of Kansas, are hereby authorized to vote a tax of more than one per cent., and not exceeding two per cent., at each annual school meeting, for the purpose of paying teachers' wages.

SEC. 2. This act shall be in force from and after its passage and publication once in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CVII.

## CRAWFORD COUNTY.

AN ACT to legalize the proceedings of a certain school district meeting in school district No. 27, in Crawford county.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the election held in school district number twenty-seven, in the county of Crawford, state of Kansas, on the 8. day of May, 1869, for officers of said district, and providing for the levying of a tax for the support of the school in said district, and all proceedings had in conformity therewith, be and the same are hereby legalized, any omissions or irregularity in giving notice of said election to the contrary notwithstanding.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CVIII.

## SUPERINTENDENTS OF PUBLIC INSTRUCTION.

AN ACT requiring county superintendents of public instruction to provide district boards with record books.

*Be it enacted by the Legislature of the State of Kansas:*

County superintendent may purchase school district records.

SECTION 1. That the county superintendent of public instruction of the respective counties in this state, may purchase for each organized school district in their county one set of school district records, consisting of district clerk's record, order book, district treasurer's book, and a teacher's daily register; each of said books shall contain such printed forms and instruction as will enable the teacher and the school district board to perform with correctness and accuracy their duties as required by law :

Proviso.

Set not to cost more than seven dollars.

Superintendent to draw his warrant on county treasurer.

*Provided*, The entire set of said records as above enumerated shall not exceed in cost seven dollars for each set; and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchases said books of for the amount of the purchase money, and it is hereby made the duty of said county treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county: *Provided*, That no fund in the hands of the county treasurer belonging to the several school districts of his county shall be diverted from the object for which said fund was raised, and the said superintendent shall deliver the said books to the district board of each district.

County treasurer to pay such warrant.

Proviso.

No fund to be diverted.

SEC. 2. This act shall take effect from and after its publication.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CIX.

## BROWN COUNTY.

AN ACT to regulate the sale of a certain school house.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That in order to sell the school house in district No. 29, Brown county, Kansas, the sale shall be authorized by a vote of two-thirds majority of the qualified electors of the district.

SEC. 2. This act shall take effect and be in force from and after its publication once in the *Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Commonwealth* March 24, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CX.

## SCHOOL LANDS—SALES.

AN ACT to amend chapter 94 of the general statutes of 1868, relating to the sales of school lands.

*Be it enacted by the Legislature of the State of Kansas :*

Occupant of school lands may file petition.

SECTION 1. That section four, chapter ninety-four, general statutes, being an act to provide for the sale of school lands, be amended as to read: "Section 4. Any person who has settled upon and improved any portion of school land prior to the first day of January, 1870, may, within sixty days from its appraisement, file in the probate court of his county a petition stating that he has settled upon and improved said land; that the same has been appraised, and the amount of the appraisement, and asking that he be allowed to purchase the same: *Provided*, That the heirs of deceased persons who have made improvements upon said land shall be entitled to all the rights accruing to actual residents thereon."

Section five amended.

SEC. 2. Section five of the amendatory act, approved February 27, 1866, and published as part of said chapter 94, of the general statutes of 1868, is hereby amended so as to read as follows: "Sec. 5. In all cases when school lands fail to sell as provided for in this act, the county treasurer may dispose of said lands at private sale to actual settlers only, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided*, That no sale be made at less than the appraised value of the land and improvements; and, *Provided, further*, That if school lands, once offered at public sale, are not sold within one year from the time of said sale, they shall be reappraised and sold at public sale as other school lands are sold: *Provided, further*, That the person so residing upon said school land shall have the privilege of purchasing said land exclusive of the appraised value of the improvements, but in the event of any person than the actual settler buy-

County treasurer may dispose of said lands.

Not to be sold less than appraised value.

Shall be sold at public sale.



ing in said land, the person so purchasing shall pay to the person entitled to the pay for the improvements, the amount of the appraised value of said improvements, they having been previously appraised according to the provisions of this act. Shall pay for improvements.

SEC. 3. Original section four, chapter ninety-four, general statutes, being an act to provide for the sale of school lands, approved February 22d, 1864, and original section five of "an act to amend an act entitled an act to provide for the sale of school lands," approved February 27th, 1866, be and the same are hereby repealed. Sections four and five repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 15, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, February 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXI.

### SHERIFF.

AN ACT relating to vacancies in the office of Sheriff, and amendatory of section 102 of chapter 25 of the general statutes of 1868.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one hundred and two of an act entitled an act relating to counties and county officers, approved March 5, 1862, be and the same is amended so as to read as follows: Section 102. Whenever a

vacancy occurs in the office of sheriff of any county, the under sheriff of such county shall, in all things, execute the office of sheriff until a sheriff shall be appointed by the governor, who shall hold his office until his successor is elected and qualified; and any default or misfeasance in office of such under sheriff in the meantime, as well as before such vacancy, shall be deemed to be a breach of the condition of the bond given by the sheriff who appointed him, and also a breach of the condition of the bond executed by such under sheriff to the sheriff by whom he was appointed.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXII.

### STATE LIBRARY.

AN ACT regulating the state library.

*Be it enacted by the Legislature of the State of Kansas:*

State library.

SECTION 1. The books, pamphlets, maps and charts belonging to the state, now in the state library, or which shall hereafter be added to the same, shall constitute the state library.

SEC. 2. The governor and the judges of the supreme court shall constitute a board of directors of the state library. Board of directors

SEC. 3. The board of directors shall have power to make such rules, not inconsistent with this act, for the regulation of the library under their direction, as they may deem proper, and may prescribe penalties for any violation thereof, which shall be collected in the same manner as for the non-return or injury of any book. Rules and regulations.

SEC. 4. It shall be the duty of the governor, immediately after the passage of this act, to appoint a state librarian, who shall hold his office for a period of four years, unless sooner removed, and whose salary shall be \$500 per annum. Governor to appoint librarian. Salary.

SEC. 5. Books may be taken from the state library by the members of the legislature and its officers, during the session of the legislature, and by the officers of the executive department of the state, justices of the supreme court and judges of the district courts, and no other person shall be permitted to take any book away from the capitol. Who may take books, etc.

SEC. 6. The librarian shall cause to be kept a register of all books issued and returned, at the time they shall be so issued and returned; and none of the books, except the laws, journals and reports of this state, which may be taken from the library, shall be detained more than ten days, and all the books taken out by officers or members of the legislature, shall be returned at the close of the session. Librarian shall keep register.

SEC. 7. If any person injure or fail to return any book taken from the library, he shall forfeit and pay to the librarian, for the use of the library, double the value thereof, or of the set to which it belongs, if a set is broken by its loss, to be recovered in an action, in the name of the state, in any court of competent jurisdiction; and before the auditor shall issue his warrant in favor of any person authorized to take books from the library, for the value of his services or amount of his salary, he shall be satisfied that such person has returned all books taken from the library, or settled for the same; otherwise he shall deduct all accounts for the detention or injury of such books. Forfeiture for detention and injury of books.

Librarian shall  
make report to  
the governor.

SEC. 8. The librarian shall, on or before the twentieth day of December in each year, report to the governor the condition of the library, stating the number of volumes contained therein, the number of volumes purchased during the past year, and the cost thereof, the number of volumes received by donation, the number of volumes injured or not returned, if any, and the amount received in compensation therefor, and such suggestions and further information as may by him be deemed desirable.

Annual appropriation.

SEC. 9. Two hundred dollars shall be annually paid out of the state treasury for the use of the library, which amount, together with the amount received from fines and forfeitures, shall be annually expended in the purchase of additional books, under the direction of the board of directors.

Librarian to make  
catalogue.

SEC. 10. It shall be the duty of the librarian to make out a written catalogue, conveniently arranged in alphabetical order, of all books, maps and pamphlets in the library, adding thereto as the library is increased, which shall be kept for the use of those authorized to withdraw books; he shall also make out and post, in some conspicuous place, a statement of the rules and regulations of the library.

Books to be  
labeled.

SEC. 11. It shall be the duty of the librarian to cause each book to be labeled with a printed or stamped label, containing the words, "Kansas state library," and also to write the same words on the thirtieth page of each volume.

Directors may  
sell, etc.

SEC. 12. The directors of the state library may sell or exchange any surplus or duplicate sets of books in said library, and use the money arising from such sale in purchasing other books for said library.

Librarian liable  
to fine.

SEC. 13. If the librarian shall permit or allow any person not authorized by this act to remove a book from the library, he shall be liable, on conviction thereof, to pay a fine of not less than five, nor more than fifty dollars, for every book so taken.

Other persons  
liable to fine.

SEC. 14. If any person, not authorized by this act, shall take a book from the library, either with or without

the consent of the librarian, he shall, on conviction thereof, be fined in any sum not less than ten, nor more than fifty dollars, for every book so taken.

SEC. 15. Chapter 101 of the general statutes of Kansas, <sup>Repealed.</sup> and all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 16. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXIII.

### STATE TREASURER.

HOUSE JOINT RESOLUTION No. 9, relating to the state treasurer.

*Be it resolved by the Legislature of the State of Kansas :*

SECTION 1. That the treasurer of state be and is hereby required to invest the sinking fund now in the treasury in the warrants of the state issued in pursuance of an act entitled "an act making appropriations for current legislative expenses, and for the salaries of the supreme and district judges for the year A. D. 1870," approved February 8th, 1870. Treasurer shall invest sinking fund, how.

SEC. 2. That whenever a sufficient amount of the general revenue fund shall have accumulated for the

redemption of said warrants, then said warrants shall be canceled, and the money derived from the interest and principal of said warrants shall be placed to the credit of said sinking fund: *Provided*, That the warrants so purchased shall have endorsed on their face, in red ink, the words "sinking fund," and shall be held by the state treasurer, together with the interest accruing upon them, separate and apart as a portion of the sinking funds until their redemption as is herein provided for. *Provided further*, That this resolution shall not be construed to act as a repeal of any statute providing for the investment of the sinking fund, except as provided above.

Shall not act as  
repeal.

SEC. 3. This joint resolution shall take effect and be in force from and after its publication in the *Weekly Commonwealth*.

Passed the house February 24, 1870, the governor's objections to the contrary notwithstanding. Yeas, 63; nays, 21.

HENRY C. OLNEY,

*Chief Clerk House of Representatives.*

JACOB STOTLER,

*Speaker House of Representatives.*

Passed the senate February 28, 1870, the governor's objections to the contrary notwithstanding. Yeas, 18; nays, 7.

GEO. C. CROWTHER,

*Secretary of the Senate.*

C. V. ESKRIDGE,

*President of the Senate.*

I hereby certify that the foregoing is a true and correct copy of the original enrolled joint resolution now on file in my office, and that the same was published in the *Weekly Commonwealth* March 3, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CXIV.

## IN RELATION TO STOCK.

AN ACT to change a law relating to stray swine, and amendatory of sections 15 and 18 of an act relating to stock, approved February 26th, 1867.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section fifteen of an act relating to stock, approved February 26th, 1867, be and the same is hereby amended to read as follows: "Section 15. The owners of any stray swine may, within two months, and the owner of any other kind of stray stock, within twelve months from the time of taking up, prove the same before some justice of the peace of the county, having first notified the taker up, in writing, of the time and place when and where, and the justice before whom such proof will be offered; and if such justice is satisfied from the evidence that the stray belongs to the claimant, he shall, upon payment of all costs and expenses of keeping, order it to be delivered to the owner, and the justice shall certify to the county clerk that such stray has been proved and restored to the proper owner within twenty days from time such proof is made."

SEC. 2. That section eighteen of the act referred to in the foregoing section be and the same is hereby amended to read as follows: "Section 18. If the owner of any swine, within two months, or of any other kind of stock, within twelve months, fails to comply with the provisions of this act after the time of taking up, and the taker up shall have proceeded according to law, a complete title shall vest in the taker up."

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXV.

### IN RELATION TO STOCK.

AN ACT to provide for a herd law in the counties of Saline, Ottawa, Washington Cloud, Cherokee and McPherson.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the counties of Saline, Ottawa, Washington, Cloud, Cherokee and McPherson shall be exempt from the provisions of an act entitled "an act in relation to fences," for the period of five years from the date of the approval hereof.

Owner of stock  
liable for damages

SEC. 2. That during said period of time, if the owner of stock of any description shall allow the same to trespass upon the premises of another person such owner shall be liable in damages to the person whose property is so injured.

A lien shall exist  
upon stock.

SEC. 3. That there shall a lien exist upon any stock so trespassing upon the premises of another person, and injuring or destroying the crops, trees or other property of such person to the amount of the damages he may sustain under section two of this act, and for the purpose of making said lien inure to his benefit, any party so injured may take into his possession any animal while on his premises and keep the same until the amount of damages



shall have been ascertained and established by a court of competent jurisdiction, when said animal or animals shall, by order of the court hearing the cause and rendering judgment therein, be sold as under an order of execution, and after satisfying the judgment in such case, and all cost, the balance shall be paid over to the owner or owners of said animal or animals sold, or the persons in charge of the same at the time the damages are committed: *Provided*, That any person so taking any of such animals into his possession shall not have the right to retain the same for more than ten days without commencing a suit against the owner or keeper in charge of said animal or animals; and, *Provided, further*, That if the owner of any animal or animals so taken up, or the person entitled to the possession of the same, shall at any time pay to the party injured all the damages he may have sustained, as specified in this act, and all cost for keeping of such animal or animals taken up, he shall be entitled to the immediate possession of the same; and, *Provided, further*, That if the owner or keeper of any animal or animals, as aforesaid, shall tender to the party so injured or damaged, any sum of money, as damages under this act, and the said party injured or damaged shall not recover a judgment for a greater sum on the hearing of the cause, he shall not recover any cost of suit, or for keeping such animal or animals after the date of such tender.

Shall be sold under order of execution.

Proviso.

Shall commence suit within ten days.  
Proviso.

Proviso.

SEC. 4. Justices of the peace shall have exclusive original jurisdiction in all cases arising under this act, and any party shall have the right of appeal.

Justice of the peace, exclusive jurisdiction.

SEC. 5. This act shall apply only to the counties of Saline, Ottawa, Washington, Cloud, Cherokee and McPherson, and shall stand and remain in full force and effect for the period of five years from the date of its becoming a law, and no longer: *Provided*, That the same may at any time be set aside and rendered void in any of said counties by a vote of a majority of its legal voters upon said proposition at any general or township election, said proposition to be submitted at such election by the county commissioners of the respective counties on a petition signed by one third of the legal voters of

Shall apply to what counties.

May be set aside.

Voters casting  
ballots.

such county, and a notice that such proposition will be submitted at such election shall be given by the county commissioners, by publishing in some paper printed or in general circulation in such county at least three consecutive weeks previous to such election, and the county commissioners in such county at any general or township election shall submit the proposition in manner and form following, to-wit: Each voter shall at the time of casting his ballot for county or township officers, also vote for a herd law, or against a herd law, and if upon the canvassing by the county commissioners of the vote so cast, which shall be done at the time the votes for county or township officers are canvassed by them, if it shall appear that a majority of all votes cast are not in favor, or against a herd law, then this act shall be null and void, and of no force or effect; but if it shall appear that a majority of all the votes cast are in favor of, or for a herd law, then this act shall remain in full force and effect.

Crops and property  
shall not refer  
to wild grass.

SEC. 6. That the words crops and property, as used in sections two and three of this act, shall not refer to wild grass growing on the premises of any person.

SEC. 7. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State,*

## CHAPTER CXVI.

## STOCK.

AN ACT to amend an act supplemental to an act entitled an act relating to stock.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That section one of chapter one hundred and fifteen (115,) of the laws of the state of Kansas, approved March 1, 1869, be so amended as to read as follows: "Section 1. All persons owning or having charge of any sheep, shall keep the same from running at large, except as in this act otherwise provided: *Provided*, That the provisions of this act shall not apply to the county of Doniphan. Amendment.

SEC. 2. That section one, to which this act is amendatory, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXVII.

RELATING TO STREETS IN WATHENA AND  
TROY.

IN relation to streets in Wathena and Troy, Doniphan county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the south end of Doniphan street, or so much thereof as lies south of the first alley south of St. Joseph street, in the town of Wathena, county of Doniphan, state of Kansas, and the alleys running through blocks 39 and 40, in the town of Troy, in Doniphan county, Kansas, are hereby declared vacated, and the land therein contained to revert to its original owner: *Provided*, That the next street east of Doniphan street, and running parallel with Doniphan street, is hereby declared opened to its original width from the street south of St. Joseph street to the south side of Creal's addition to Wathena, which was platted into town lots and no further.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 3, 1870.

THOMAS MOONLIGHT,  
*Secretary of State,*

## CHAPTER CXVIII.

## THE RIGHT OF SUFFRAGE.

AN ACT to amend an act entitled "An act to ascertain by proper proof the citizens in cities of the first class who are entitled to the right of suffrage under the constitution," approved March 3d, 1869.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That section 1 of an act entitled "an act to ascertain by proper proof the citizens in cities of the first class, who are entitled to the right of suffrage under the constitution," approved March 3, 1869, is hereby amended so as to read as follows: Sec. 1. The citizens in cities of the first class who are entitled to the right of suffrage, shall be ascertained as herein provided. Section one amended.

SEC. 2. Section 4 of said act is hereby amended so as to read as follows: Sec. 4. "On the Tuesday preceding every general election for state, district, and county officers, and every general election for city officers, to be held in such city, the board of registration shall meet at the usual place of holding elections in each ward of such city, or as near thereto as practicable, and register the persons entitled to vote at such election under the laws of this state." Section four amended.  
Persons entitled to vote shall register.

SEC. 3. Section 8 of said act is hereby amended so as to read as follows: "Sec. 8. The board shall sit continuously from nine o'clock A. M. to nine o'clock P. M., on the day hereinbefore fixed for their meeting, and shall at the hour of nine o'clock P. M. of said day adjourn until the next day at nine o'clock A. M., when they shall again meet at the same place, and continue the registration until nine o'clock P. M. of that day, when the registration shall be closed, and persons shall only be registered by the board when it is in session as herein provided, and not at any other time." Section eight amended.

SEC. 4. Section thirteen of said act is hereby amended so as to read as follows: "Sec. 13. After the lists shall Section thirteen amended.

Lists shall be disposed of, how.

have been completed, as hereinbefore required, one of them shall be delivered, by one of the members of the board of registration, to the city clerk, within twenty-four hours after the closing of the registration, and shall remain in his office, open to public inspection, until the day of the election to which it relates, when it shall be delivered to the judges of election of the proper ward at or before the time fixed by law for the opening of the polls; the other shall be sealed up and retained by one of the members of the board, who shall deliver the same, so sealed up, to the judges of election at the time of opening the polls, when it shall be opened, and not before; any qualified elector who shall have been necessarily and unavoidably absent from the county in which any such city is situated, at the time fixed for registration, as hereinbefore provided, may be registered upon the day of election by the judges thereof, under the following restrictions, but not otherwise: The applicant shall present to the judges of the election an affidavit subscribed by himself, and sworn to by him before some justice of the peace in the city in the following form, with the blanks properly filled:

Persons absent at time of registration may register, how.

Affidavit.

I \_\_\_\_\_, do solemnly swear (or affirm, as the case may be,) that I have resided six months in the state of Kansas, and thirty days next preceding this election in the \_\_\_\_\_ ward of the city of \_\_\_\_\_, in the county of \_\_\_\_\_, in said state of Kansas, (am a citizen of the United States, or have declared my intention to become a citizen of the United States;) that I now reside on lot No. \_\_\_\_\_, in block No. \_\_\_\_\_, in \_\_\_\_\_ (the original plat or addition, naming it,) in said city, and in said \_\_\_\_\_ ward. My age is \_\_\_\_\_ years; my occupation \_\_\_\_\_. On the days provided by law for the registration of persons entitled to vote at this election, I was necessarily and unavoidably absent from this county, and my failure to appear before the board of registration to be registered, was not occasioned by any wilful neglect on my part, so help me God.

Sworn to before me and subscribed in my presence, at my office in the city of \_\_\_\_\_, in the county of \_\_\_\_\_

\_\_\_\_\_ and state of Kansas, this \_\_\_\_\_ day of  
 \_\_\_\_\_ A. D. 187—.

\_\_\_\_\_  
 Justice of the Peace.

To which shall be appended an affidavit of two persons qualified to vote at said election, who shall have been registered at one of the days appointed for registration prior to the day of the election, taken and subscribed before the same justice of the peace, in the form following, to-wit:

We \_\_\_\_\_ and \_\_\_\_\_ do solemnly swear that affidavit.  
 we have resided in this city one year, that we are well acquainted with the above named \_\_\_\_\_ (applicant for registration.) He has resided in the state of Kansas six months, and the \_\_\_\_\_ ward of \_\_\_\_\_ city in \_\_\_\_\_ county in said state thirty days next preceding this date. He now resides on lot number \_\_\_\_\_ in \_\_\_\_\_ (original plat or addition) in said city, and we believe the other facts set forth in the affidavit of the said \_\_\_\_\_ to be true, so help us God.

\_\_\_\_\_  
 \_\_\_\_\_

Sworn to before me and subscribed in my presence at my office in the city of \_\_\_\_\_ in the county of \_\_\_\_\_ and state of Kansas.

\_\_\_\_\_  
 \_\_\_\_\_

Justice of the Peace:

If the judges shall be satisfied that said affidavits are true they shall cause the name, age, occupation and place of residence of the applicant to be entered on the registry list in its alphabetical order, noting opposite the name of the applicant in the column of "remarks," the words "added by the judges of election," and such entry shall have the same effect as if it had been made by the board of registration on one of the days hereinbefore provided; the affidavits in each case where a name is so added shall be attached to and form part of the returns of the election; the judges of election shall also append to the registration lists a certificate under their

hands of the number of names added by them to such registry lists.

SEC. 5. The original sections 1, 4, 8 and 13 of said act are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXIX.

### ACTS LEGALIZED.

AN ACT legalizing certain official acts of Wm. B. Emerson, county surveyor of Linn county.

*Be it enacted by the Legislature of the State of Kansas:*

Acts legalized.

SECTION 1. That all surveys, views and locations of county roads in the county of Linn, the views and surveys of which have been made since the third day of October, 1868, and the views and proceedings of which have been approved by the board of county commissioners and the viewers of which roads have been sworn by the county surveyor, Wm. B. Emerson, be and the same are hereby declared legally located and established county roads, notwithstanding the irregularity of the viewers being sworn by said Wm. B. Emerson,



SEC. 2. This act shall take effect and be in force from and after its publication once in [the] *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXX.

### TAXES.

AN ACT to amend section 36 of chapter 107 of the general statutes of 1868 relating to assessment and collection of taxes.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. Section 36 of chapter 107 of the general statutes of 1868, is hereby amended so as to read as follows: Sec. 36. Each township assessor shall, on or before the 20th day of June of each year, make out and deliver to the county clerk of his county a return, in tabular form, in a book to be furnished him by said clerk, of the quantity, description and value of each parcel of real property subject to taxation, in his township, in numerical order, as the lots and blocks, or sections, or subdivisions thereof, with the name of the owner, if known, set opposite to each of said parcels, and in a separate column the value by them attached to each such parcel or description; the several township assessors shall meet at the county seat, in their respective counties, on the third Wednesday of April of each year, and then

Assessors to make  
return to county  
clerk.

Assessors shall  
meet, when.

County clerk to  
notify assessors.

Duty of county  
commissioners.

agree upon an equal basis of valuation, of such property as they may be called upon to assess; immediately after the election of the township trustees is determined by the board of canvassers, it shall be the duty of the said board to order or direct the county clerk to notify the township assessors of the time when, and the place where, said assessors shall meet for the purpose of fixing upon an equal basis of valuation of such property as they may be called upon to assess; it shall be the duty of the county commissioners to direct the county clerk to procure from the land officers of the proper district or districts an abstract or abstracts of all lands entered subsequently to the first day of July of the previous year, and all such lands as shown by said abstract not appearing on the tax roll, shall be entered upon said roll by the county clerk as soon as the abstract shall be received.

Repealed.

SEC. 2. Original section 36 of said chapter 107, and so much of section 1 of chapter 123 of the laws of 1869, as amended said section 36 are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXXI.

## TAXES—ELLSWORTH COUNTY.

AN ACT relative to the collection of taxes in the county of Ellsworth.

WHEREAS, Between the time specified for the assessment and collection of taxes, as provided by law, a large amount of taxable property was removed from without the jurisdiction of Ellsworth county, during the year 1869, amounting in all to the sum of one hundred and eighty thousand seven hundred and ninety (180,790) dollars; and,

WHEREAS The entire amount of taxable property within said county of Ellsworth for the year 1869, as shown on the assessment roll was but three hundred and forty-five thousand one hundred and eighty-seven (345,187) dollars, thus leaving an actual property valuation subject to taxation of only one hundred and sixty-four thousand three hundred and ninety-seven (164,397) dollars; and,

WHEREAS, The county treasurer of Ellsworth county did on the 13th day of January, 1870, pay into the state treasurer's office the sum of three thousand one hundred and nine (3,109) dollars, being nearly the full amount of state taxes levied on original assessment. Therefore—

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the auditor of state be and is hereby authorized to remit such portion of the state tax as may have been charged to said county of Ellsworth, and shown as uncollectable by reason of being removed from the jurisdiction of said county, and erroneous assessment amounting to one thousand four hundred and sixty-five (1,465) dollars and twenty-six (26) cents, the same being sworn to by the county treasurer, and authenticated by the county commissioners.

Auditor authorized to remit tax.

State treasurer  
authorized to pay  
county treasurer  
Ellsworth county  
\$1,465.26.

Proviso.

SEC. 2. The state treasurer is hereby authorized to pay to the county treasurer of Ellsworth county in the same funds as received, the sum of one thousand four hundred and sixty-five (1,465) dollars and twenty-six (26) cents, the same being amount overpaid by county treasurer of Ellsworth county: *Provided, however,* That before such payment shall be made, the county treasurer of Ellsworth county shall present to the state treasurer his sworn statement authenticated by the county commissioners of said county, and endorsed by the auditor of state.

SEC. 3. This act to take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved March 1, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXXII.

### CITIES OF THE SECOND CLASS.

AN ACT in relation to sidewalks and sidewalk taxes in cities of the second class.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. Whenever the city council of any city of the second class shall enact any ordinance for the building or repairing of any sidewalk, under the authority conferred by paragraph second, of section thirty, of chapter 19 of the general statutes of 1868, the width of said side-

walk, the kind of material of which, and the time within which the same shall be constructed, shall be designated in such ordinance; the time so designated shall not be less than thirty days from and after the publication of said ordinance, and if any owner or occupant of any lot or piece of ground abutting on said sidewalk or proposed sidewalk, shall fail or refuse to build or repair such sidewalk along the entire front of the lot or piece of land owned or occupied by him, in the manner, of the materials and within the time prescribed in such ordinance, the city council may cause the same to be done or completed by or under the direction of the street commissioner, or may let the same by contract, to the lowest responsible bidder, and in all such cases the council may levy such assessment on any lot or lots, and piece or pieces of ground, abutting on such improvement, according to the front foot thereof, as may be necessary to reimburse said city for making or completing such repairs or sidewalk; the assessments so made shall be entered upon the minutes of [the] council, and shall be certified by the city clerk to the county clerk of the proper county, who shall place the same on the tax roll, opposite the respective lots and pieces of land, for collection; and said assessments shall be known as "sidewalk taxes," and shall be subject to the same penalties and be collected in like manner as other taxes, and when collected shall be paid over to the city treasurer.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CXXIII.

## RELATING TO TOWN SITES.

AN ACT to revive and re-enact sections 2 and 12, of chapter 109 of the general laws of 1868, relating to town sites, and to repeal chapter 127 of the laws of 1869.

*Be it enacted by the Legislature of the State of Kansas :*

When a town site  
is entered deeds  
shall be made,  
how.

SECTION 1. That section two of chapter 109, of the general statutes of 1868, relating to town sites, be and the same is hereby revived and re-enacted so as to read as follows, to wit: Section 2. When a town site is entered under the above recited act of Congress by the corporate authorities of any incorporated town, deeds shall be made by the mayor or other chief officer of such town, for the time being, and said deed or deeds shall be attested by the city clerk or register, and shall be signed by such mayor or other chief officer, under the corporate seal of said city, attested by said city clerk or register, if said city shall have a corporate seal; and if it shall have no seal, under the scrawl or private seal of said mayor or other chief officer, attested by the city clerk or register as aforesaid.

Who shall be  
deemed occupant  
of town site.

SEC. 2. That section twelve of said chapter 109 is hereby revived and re-enacted so as to read as follows: Section 12. All persons who select and lay out a town site, and their assigns, shall be deemed occupants of said town site and the lots embraced therein, within the meaning of the above recited acts of Congress, and deeds shall be made accordingly.

SEC. 3. Chapter 127 of the laws of 1869, relating to town sites, approved March 4, 1869, is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXXIV.

### TRESPASS.

AN ACT to prevent and punish trespass on school lands and lands belonging to state institutions.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. If any person shall cut down, injure, destroy or carry away any tree or trees growing upon any school lands, that are or may hereafter be set apart for the use of schools, or any other state institutions, or cut, destroy or carry away any wood, standing or being upon, or growing on any school, college or university land, or shall dig up, quarry or carry away any stones, ore or mineral, lying or being upon such lands, the person committing such trespass shall be deemed guilty of a misdemeanor, and may be indicted and fined in a sum not less than double the amount of damages proved to have been committed, and not exceeding one thousand dollars, and confined in the county jail not less than one month and not more than six months. Penalty for damage.

SEC. 2. Whenever complaints shall be made, in writing and upon oath, to any justice of the peace that any person has violated the provisions of the preceding section of this act, it shall be the duty of such justice to issue his warrant, under his hand, reciting the substance of the complaint and commanding the officer to whom it is directed, forth- Duties of justice.

with to apprehend the person so complained of, and bring him before such justice.

SEC. 3. Upon such person being brought before such justice, it shall be the duty of the justice to examine the complaint and the witnesses which either party may produce; and if it shall appear to the satisfaction of the justice that the person complained of is probably guilty, he shall require such person to enter into recognizance in such sum, not exceeding two thousand dollars, with two or more sufficient securities, as such justice may direct, to appear at the next term of the district court, and in default of such recognizance the justice shall commit such person to jail to await the action of said district court.

Duties of courts.

SEC. 4. It shall be the duty of each court having criminal jurisdiction to give this act in charge especially to the grand jury, at each term.

Duties of officers.

SEC. 5. It shall be the duty of the county superintendent of public instruction, the district directors, clerks and treasurers, and all sheriffs and constables, to take notice of all trespasses committed on school lands in their respective counties, and immediately file a complaint against any person violating this act before the proper authorities.

County attorney.

SEC. 6. It shall be the duty of the county attorneys, in their respective counties, to prosecute all persons charged with the violation of this act.

Fines, how disposed of.

SEC. 7. All damages, fines and forfeitures, collected under the provisions of this act, shall be paid into the county treasury for the use and benefit of the common school fund.

SEC. 8. This act shall take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 10, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*



## CHAPTER CXXV.

## NEOSHO COUNTY.

AN ACT entitled an act to vacate a certain alley in the town of Erie,  
Neosho county, Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That the alley running through "Border Block" No. (12) twelve, in the town of Erie, Neosho county, Kansas, be and the same is hereby declared vacated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CXXVI.

## JUNCTION CITY.

AN ACT to vacate two alleys in the city of Junction City, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

Vacate.

SECTION 1. That the alley on the north side of block numbered four, in the city of Junction city, Kansas, adjoining lots one, two, three, four and five, and the alley in the middle of said block four, in said city of Junction city, Kansas, between lots one, two, three, four and five, and sixteen, seventeen, eighteen, nineteen and twenty, be and the same are hereby declared vacated, and the lands embraced in said vacated alleys shall attach to the adjacent real estate, and revert to the owners thereof, one-half on each side of said alleys so vacated.

SEC. 2. This act shall take effect and be in force from and after its passage and publication once in the *Kansas Weekly Commonwealth*.

Approved February 25, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXXVII.

## JACKSON COUNTY.

AN ACT to vacate a certain alley in the town of Holton, Jackson county, Kansas.

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That the alley between the lots lying between Fifth and Sixth streets, and lying between Eastern and Vermont avenues, in the town of Holton, Jackson county, Kansas, be and the same is hereby vacated. <sup>Vacate.</sup>

SEC. 2. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,

*Secretary of State.*

## CHAPTER CXXVIII.

## LAWRENCE—EARL'S ADDITION.

AN ACT to vacate part of Oregon street and part of Delaware street, in "Earl's addition to the city of Lawrence."

*Be it enacted by the Legislature of the State of Kansas :*

SECTION 1. That so much of Oregon street, in "Earl's addition to the city of Lawrence," as lies between blocks nine and ten, and so much of Delaware street as lies west of block No. 9, as designated on the recorded plan of "Earl's addition to the city of Lawrence," be and the same are hereby vacated.

SEC. 2. This act to take effect and be in force from and after its publication once in the *Kansas Weekly Commonwealth*.

Approved February 28, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Kansas Weekly Commonwealth*, March 24, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXXIX.

## JOHNSON COUNTY.

AN ACT vacating certain alleys in the town of Olathe. An act entitled an act to vacate certain alleys in block No. forty-two (42,) in the town of Olathe, in the county of Johnson, state of Kansas.

*Be it enacted by the Legislature of the State of Kansas:*

SECTION 1. That all the alleys in block No. forty-two <sup>Vacate.</sup> (42,) in the town of Olathe, in the county of Johnson, state of Kansas, be and the same are hereby declared vacated.

SEC. 2. That the title to the alleys hereby declared <sup>Title shall revert to whom.</sup> vacated shall revert to the owners of the lots adjoining to said alleys.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Weekly Commonwealth*.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Weekly Commonwealth* March 17, 1870.

THOMAS MOONLIGHT,  
*Secretary of State,*

## CHAPTER CXXX.

## WATHENA—DONIPHAN COUNTY.

AN ACT for the benefit of the inhabitants of the town of Wathena.

WHEREAS, There are now residing in the town of Wathena, Doniphan county, Kansas, over 800 inhabitants who have never been incorporated under or in accordance with the provisions of law; and

WHEREAS, The act of the legislature of the state of Kansas, approved March 1st, 1869, entitled "an act providing for the organization and government of cities of the third class," containing more than 800 and less than 2,000 inhabitants, does not provide for the original organization of cities, the inhabitants of which have never been incorporated as a city, or otherwise; therefore

*Be it enacted by the Legislature of the State of Kansas:*

Wathena incorporated.

Election for city officers.

SECTION 1. That the inhabitants of Wathena, Doniphan co., are hereby declared to be an incorporated body under the provisions of the above recited act, under the corporate name of the city of Wathena, and that it shall be lawful for the inhabitants of the said city to hold an election for city officers as provided by said act, with six councilmen; said election to be held on the first Monday in April, A. D. 1870, and on the first Monday in April of every year thereafter.

Question of acceptance or rejection of the provisions of "an act providing for the organization and government of cities of the third class," to be submitted at same election.

SEC. 2. That on said first Monday in April A. D. 1870, at the time of voting for city officers, the township trustee, clerk and treasurer of the township in which said city of Wathena is situated, shall submit to the qualified electors residing within the corporate limits of said city as hereinafter prescribed, the question of their acceptance or rejection of the provisions of an act entitled "an act providing for the organization and government of cities of the third class," approved March 1st, A. D. 1870, which submission, together with notice of the time and place of holding said election, the officers to be elected

and the prescribed words of the ballots for or against accepting the provisions of said act, shall be noticed by publication in any newspaper published within the proposed corporate limits of said city, and said publication to be at least fifteen days before the holding of said election.

SEC. 3. Said election shall be noticed and conducted by the township trustee, clerk and treasurer, as hereinbefore provided, and they shall act as a board of canvassers to canvass the vote of said election, and as such board, shall meet for that purpose on the first Wednesday after said election, and shall declare, by publication, whether the provisions of an act entitled "an act providing for the organization and government of cities of the third class," have been accepted or rejected, and if accepted, shall certify to the persons receiving the highest number of legal votes for the various offices, and shall, until said officers are duly elected and qualified, do and perform all acts necessary toward perfecting the organization of said city; as though they were a duly elected board of trustees of a regularly incorporated town or village.

Duties of township trustee, clerk and treasurer in matter of election.

SEC. 4. That the incorporated limits of the city of Wathena, in Doniphan county, shall and does include the following described real estate, situate in said county of Doniphan, and state of Kansas, to wit: All that part of the east half of section (28) twenty-eight, town (3) three, range (22) twenty-two, and that part of the west half of section (27) twenty-seven, town (3) three, range (22) twenty-two, which has been regularly laid off in town lots, and the plats of said lots properly filed for record, including the original town plat of said town of Wathena, and all its additions, which may be situated within the above prescribed limits.

Corporate limits of Wathena

SEC. 5. That the municipal authorities and jurisdiction of the city of Wathena be and the same is hereby extended over all of said described real estate included in the corporate limits of said town for any and all purposes whatever.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Approved March 3, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

## CHAPTER CXXXI.

### WASHINGTON PARK.

AN ACT in relation to Washington Park.

*Be it enacted by the Legislature of the State of Kansas:*

Streets vacated.

Said park to be  
laid off into lots,  
etc.

Streets and alley  
continued.

Town company  
may convey titles.

SECTION 1. That the streets upon the east and west sides of a piece of ground in the town of Emporia, Lyon county, Kansas, known as Washington Park, be and the same are hereby vacated, and upon the assent of the corporate authorities of said town of Emporia, the original town company, or a majority of them, shall proceed to survey and plat said piece of ground or park into lots and record said plat as plats of towns and additions to towns are now recorded; and the said town company shall in said plat allow a continuation of the main or commercial street through said piece of ground or park of the same width that said street is laid out north and south of said piece of ground or park; and shall also allow a continuation of the alleys through said piece of ground or park to a connection with the alleys now laid out north and south of said piece of ground or park and of the same width of said alleys and the remainder of said piece of ground or park after being surveyed, platted and recorded



as aforesaid, may be conveyed by the said town company in the same manner and with the same effect as the said town company have heretofore made conveyances of lots and lands in said town of Emporia to such person or persons as the said company may desire, and the consent of the corporate authorities of the said town or city of Emporia shall be deemed a waiver of all rights on the Waiver of rights. part of the said town or city or the people thereof to any claim on the said ground either as a park or for any other purpose.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1870.

I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office.

THOMAS MOONLIGHT,  
*Secretary of State.*

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## CHAPTER CXXXII.

### WEST LAWRENCE.

AN ACT relating to West Lawrence.

SECTION 1. That the plat filed in the office of the clerk of the district court of Douglas county, Kansas, by O. E. Learnard, N. T. Stevens, and W. S. McCurdy, Commissioners, September 24th, A. D. 1869, of certain lands in the city of Lawrence, commonly called "West Lawrence," is hereby legalized, and such plat is hereby declared a valid survey and plat of the ground therein mentioned, into streets, blocks and lots, as fully as though it had been signed and acknowledged by the various owners thereof.

SEC. 2. This act shall take effect and be in force from

and after its publication once in the *Republican State Journal* and *Lawrence Tribune*.

Approved March 2, 1870.

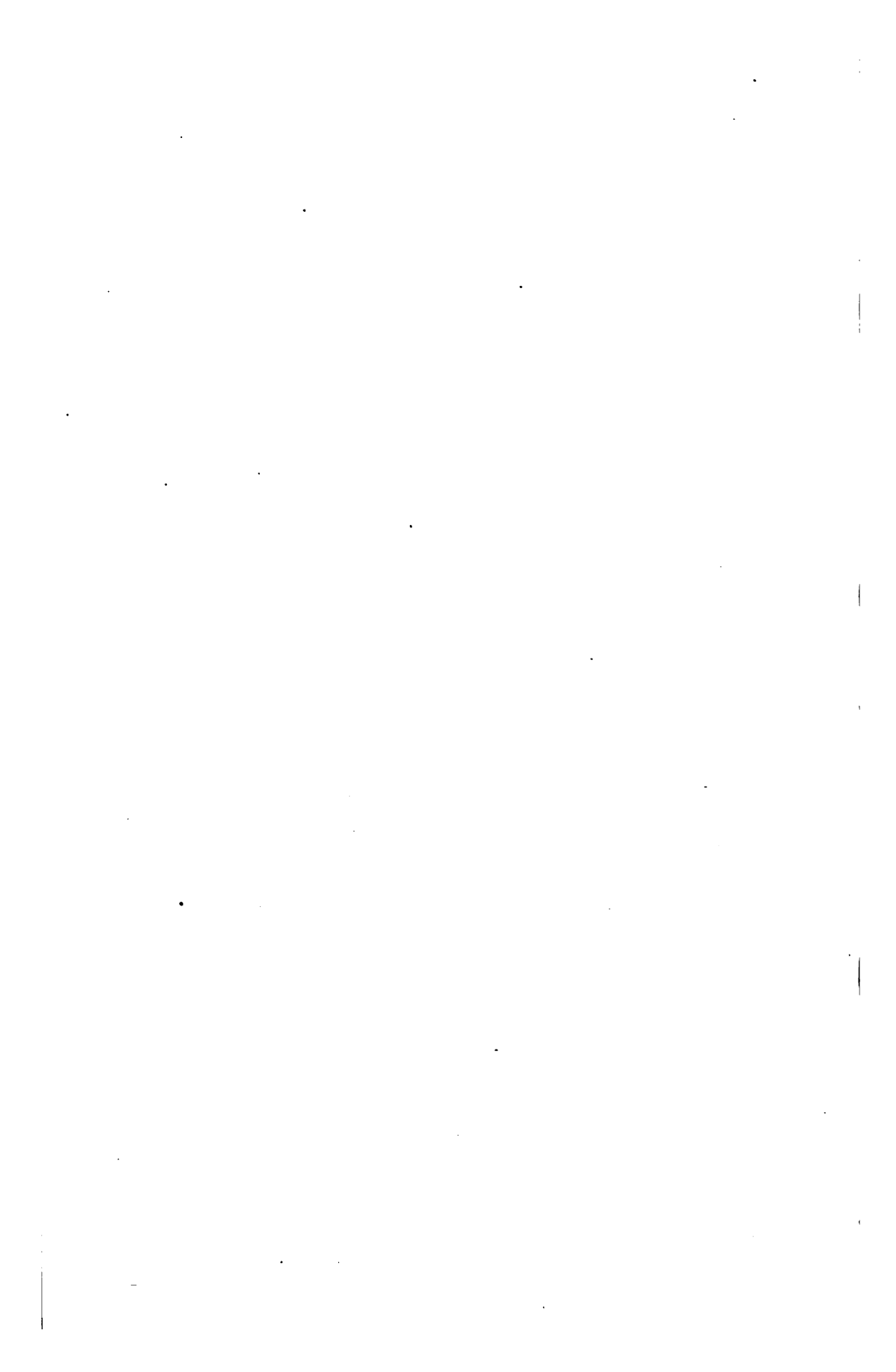
I hereby certify that the foregoing is a true and correct copy of the original enrolled bill now on file in my office, and that the same was published in the *Republican State Journal* and *Lawrence Tribune*, March 16th, 1870.

THOMAS MOONLIGHT,  
*Secretary of State.*

#### ERRATUM.

Chapter II., page 20, sixth line from top, read *Kansas "Daily" Commonwealth*, instead of *Kansas "Weekly" Commonwealth*.

## APPENDIX.



**AMENDMENT**  
**TO THE**  
**CONSTITUTION OF THE STATE OF KANSAS.**

---

**ARTICLE XV.**

Section 4 was amended, by a vote of the people, November, 1868, by inserting the following: "All public printing shall be done by a state printer who shall be elected by the legislature, in joint session, and shall hold his office for two years, and until his successor shall be elected and qualified. The joint session of the legislature for the election of a state printer shall be on the third Tuesday of January, A. D. 1869, and every two years thereafter. All public printing shall be done at the capital, and the prices for the same shall be regulated by law."

**AMENDMENT**  
**TO THE**  
**CONSTITUTION OF THE UNITED STATES.**

---

**ARTICLE XV.**

**SECTION 1.** The right of citizens of the United States to vote, shall not be denied or abridged by the United States, or by any state, on account of race, color or previous condition of servitude.

**SECTION 2.** The congress shall have power to enforce this article by appropriate legislation; therefore, *Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring,* That the foregoing proposed amendment to the constitution of the United States be and the same is hereby ratified.

Adopted by the house of representatives January 18, 1870.

**HENRY C. OLNEY,**  
*Chief Clerk of the House of Representatives.*

**JACOB STOTLER,**  
*Speaker of the House of Representatives.*

Concurred in unanimously by the senate, January 19, 1870.

**GEO. C. CROWTHER,**  
*Secretary of the Senate.*

**C. V. ESKRIDGE,**  
*President of the Senate.*

**ABNER ARRASMITH,**  
**J. C. BAILEY,**

JOHN FLETCHER BROADHEAD,  
A. A. CARNAHAN,  
JNO. C. CARPENTER,  
STEPHEN A. COBB,  
W. H. FITZPATRICK,  
W. H. GRIMES,  
O. J. GROVER,  
E. J. JENKINS,  
WM. LARIMER,  
O. E. LEARNARD,  
JAMES R. MEAD,  
M. M. MURDOCK,  
JOHN McKEE,  
E. S. NICCOLLS,  
J. H. PRESCOTT,  
MARTIN SCHMITT,  
W. H. SMALLWOOD,  
S. J. H. SNYDER,  
ALBERT G. SPEAR,  
EDWIN TUCKER,  
M. V. VOSS,  
H. H. WILLIAMS,  
LEVI WOODARD,

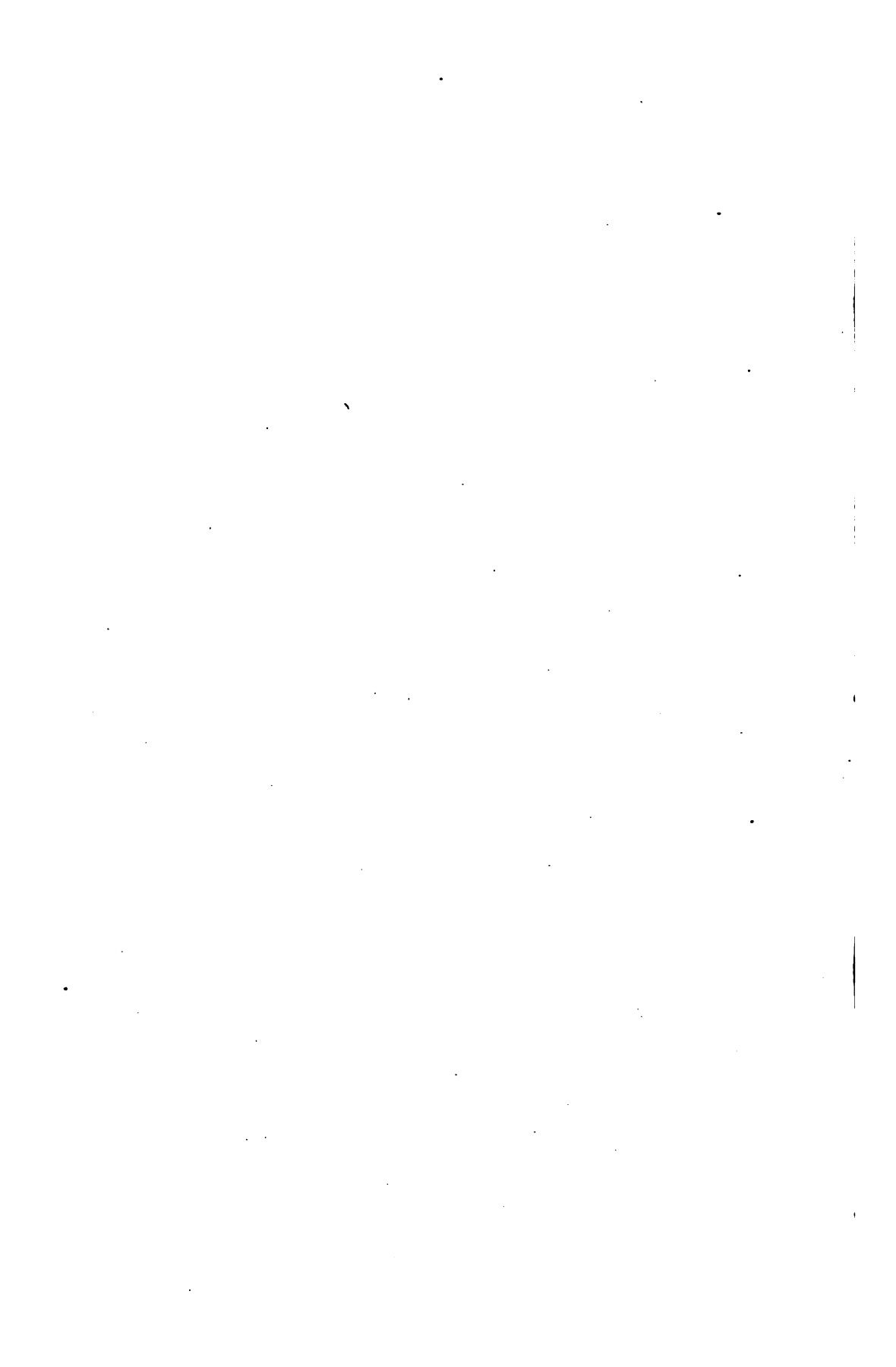
J. E. ADAMS,  
W. F. ASHBY,  
J. W. BABB,  
J. F. BABBITT,  
E. H. BAILIFF,  
GEO. W. BENSON,  
LEVI BILLINGS,  
WALTER P. BISHOP,  
JOHN W. BROWN,  
JOHN T. BURRIS,  
T. H. BUTLER,  
W. C. BUTTS,  
J. H. CLARK,  
E. E. COFFIN,  
ALONZO CURTIS,  
W. B. DISBROW,  
JOHN DIXON,  
CHAS. DRAKE,  
JOHN H. EDWARDS,  
A. J. EVANS,

## APPENDIX.

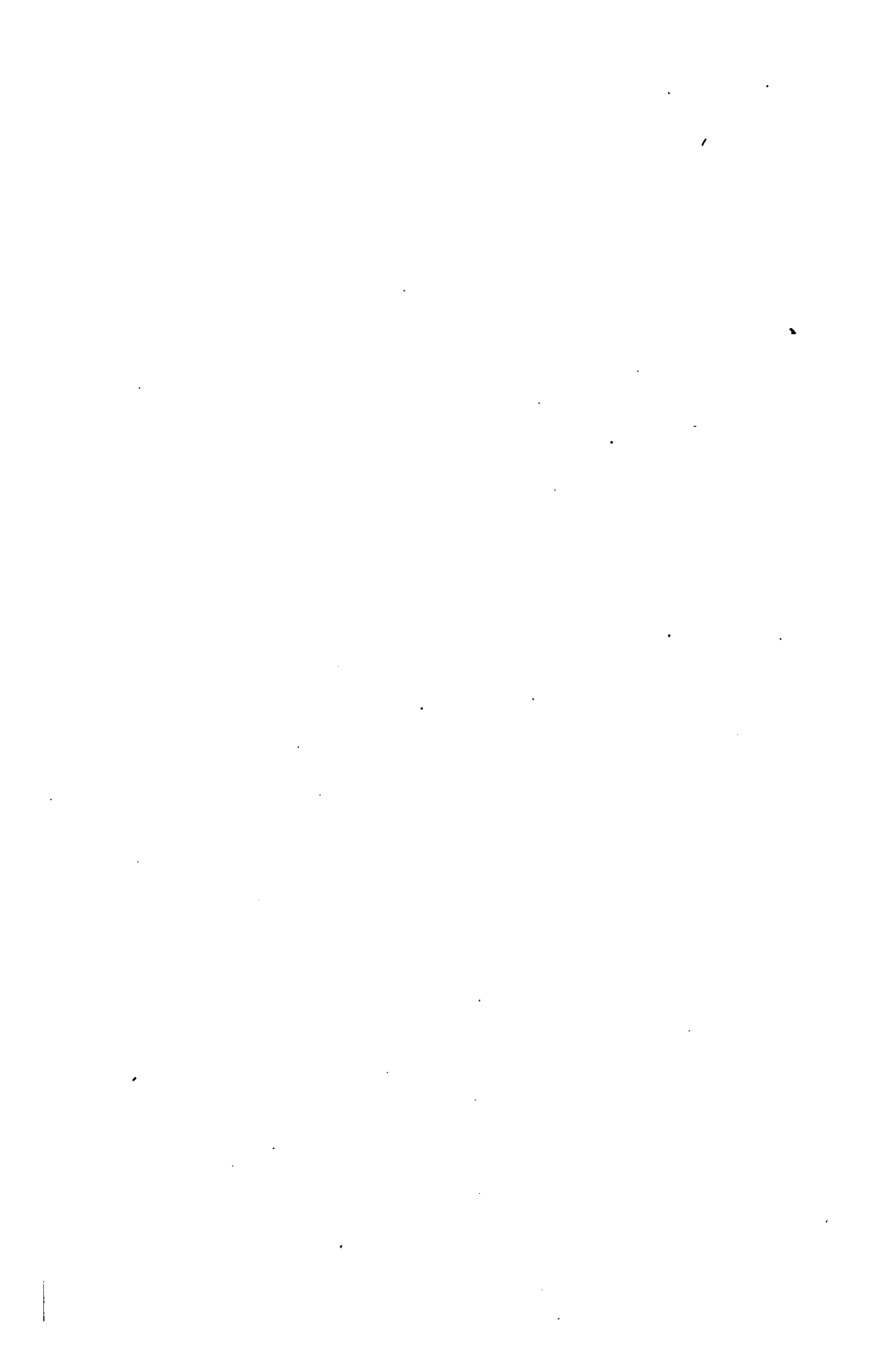
G. P. EVES,  
J. K. FAULKNER,  
L. GATES,  
CHAS. W. GREEN,  
H. J. GREGORY,  
JOHN GUTHRIE,  
ALBERT HAZEN,  
JOHN A. HALDERMAN,  
JAMES HANWAY,  
LEVI HENSEL,  
J. D. HOSLEY,  
T. J. HUDSON,  
F. B. HUNT,  
J. M. HUNTER,  
A. J. JENNINGS,  
JOSIAH KELLOGG,  
CONRAD KOHLER,  
W. W. LAMBERT,  
VINCENT J. LANE,  
JAS. I. LARIMER,  
E. H. LEDUC,  
C. W. LIBBY,  
JOHN G. LINDSAY,  
JOHN LUSHER,  
J. V. MACINTOSH,  
SIMON MOTZ,  
HARDIN McMAHON,  
WILLIAM MORRIS,  
H. J. MOWRY,  
THOS. MURPHY,  
S. F. NESBIT,  
W. F. OSBORN,  
C. G. PARKER,  
WM. H. PECKHAM,  
G. T. PIERCE,  
J. H. PINKERTON,  
J. C. REDFIELD,  
J. F. RIDLON,  
W. B. SCOTT,  
ED. SECRIST,  
ELIJAH SELLS,  
WM. H. SELLS,  
BYRON SHERRY,  
DANIEL SHIRE,



A. J. SHELHAMER,  
HENRY SMALL,  
REUBEN SMITH,  
J. H. SNEAD,  
JAS. D. SNODDY,  
BYRON STEWART,  
S. B. STEWARD,  
JOHN A. TIFFANY,  
E. HIBBARD TOPPING,  
W. C. WEBB,  
JOHN D. WELLS,  
R. P. WEST,  
J. H. WHITFORD,  
DAVID WHITTAKER,  
LEVI WILHELM,  
J. WILKINS,  
J. L. WILLIAMS,  
ANDREW S. WILSON,  
JOHN K. WRIGHT,



**OFFICERS AND TERMS**  
**OF THE**  
**UNITED STATES, SUPREME**  
**AND**  
**DISTRICT COURTS.**



OFFICERS  
OF THE  
**UNITED STATES COURTS**  
FOR THE  
DISTRICT OF KANSAS.

---

JUDGES OF THE CIRCUIT COURT,  
HON. JOHN F. DILLON, PRESIDING JUDGE.  
HON. MARK W. DELAHAY, ASSOCIATE.

JUDGE OF THE DISTRICT COURT,  
HON. MARK W. DELAHAY.

COMMISSIONER IN BANKRUPTCY,  
HON. HIRAM GRISWOLD.

UNITED STATES DISTRICT ATTORNEY,  
HON. ALBERT H. HORTON.

CLERK,  
A. S. THOMAS.

UNITED STATES MARSHAL,  
D. W. HOUSTON.

**TERMS:**

DISTRICT COURT—Second Monday in April, and second Monday in October.

CIRCUIT COURT—Fourth Monday in May, and fourth Monday in November.



OFFICERS  
OF THE  
SUPREME COURT  
OF THE  
STATE OF KANSAS.

---

CHIEF JUSTICE,  
HON. S. A. KINGMAN.

ASSOCIATE JUSTICES,  
HON. JACOB SAFFORD,  
HON. D. M. VALENTINE.

CLERK OF THE SUPREME COURT,  
E. B. FOWLER.

REPORTER OF THE SUPREME COURT,  
ELLIOT V. BANKS, OF LAWRENCE.

Two regular terms, held in the Capitol, at Topeka, commencing on the first Tuesday in January and July in each year.\*

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\*Sec. 2, Chap. 27, general statutes of 1868.



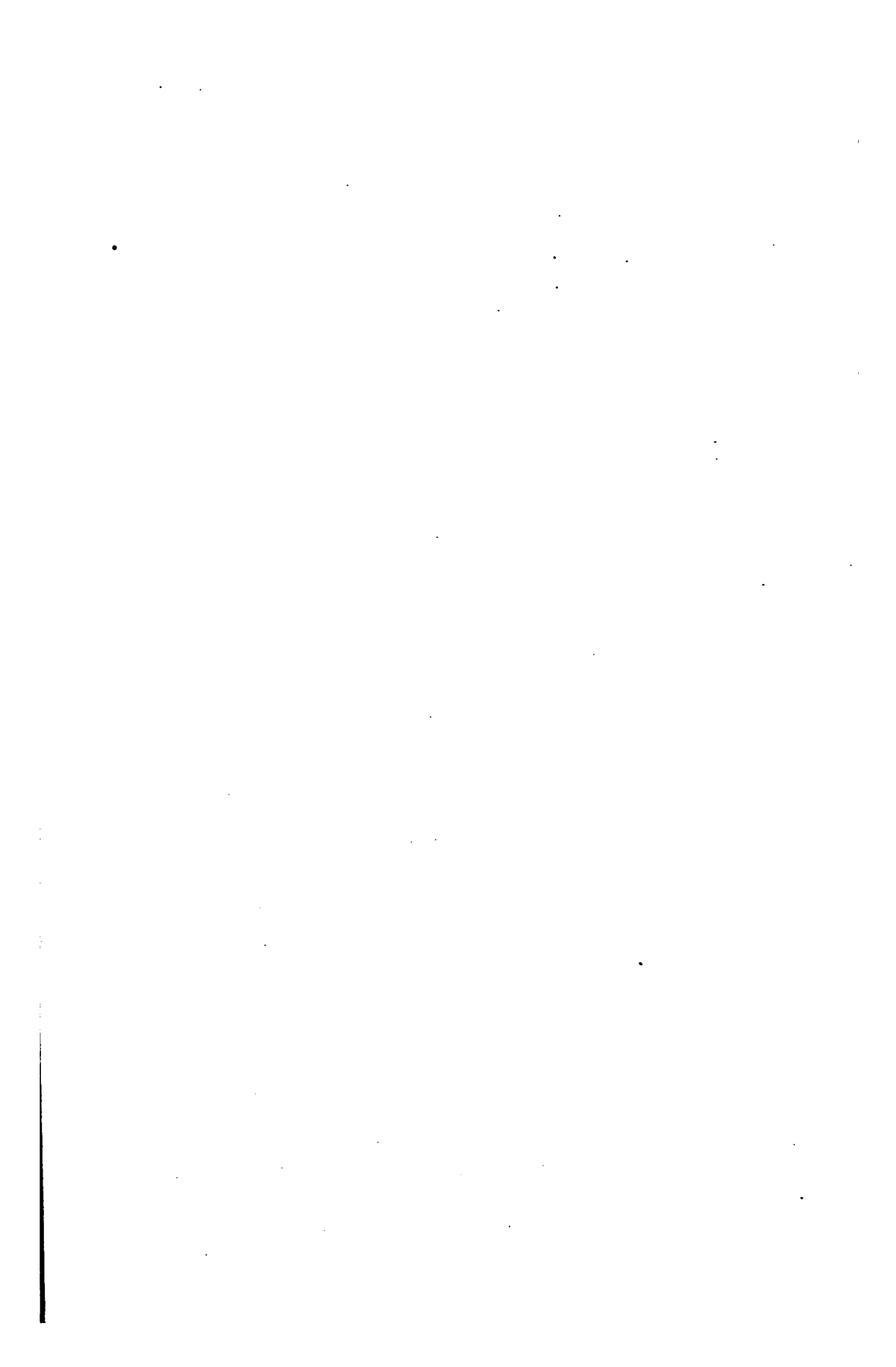


JUDGES  
OF THE  
DISTRICT COURTS  
OF THE  
STATE OF KANSAS.

---

|                |   |                        |
|----------------|---|------------------------|
| FIRST DISTRICT | — | HON. H. W. IDE.        |
| SECOND         | “ | “ NATHAN PRICE.        |
| THIRD          | “ | “ JOHN T. MORTON.      |
| FOURTH         | “ | “ OWEN A. BASSETT.     |
| FIFTH          | “ | “ J. H. WATSON.        |
| SIXTH          | “ | “ D. P. LOWE.          |
| SEVENTH        | “ | “ JOHN R. GOODIN.      |
| EIGHTH         | “ | “ WILLIAM H. CANFIELD. |
| NINTH          | “ | “ WILLIAM R. BROWN.    |
| TENTH          | “ | “ HIRAM STEVENS.       |
| ELEVENTH       | “ | “ WILLIAM C. WEBB.     |

JUDGE OF THE CRIMINAL COURT OF LEAVENWORTH COUNTY,  
HON. BARZILLA GRAY.



**TERMS**  
**OF THE**  
**DISTRICT COURTS OF THE STATE.**

---

Regular terms are provided for the different counties, at the times and places following, commencing on the *Monday* of the months named, respectively, in the different judicial districts,

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**FIRST JUDICIAL DISTRICT.**

| Counties.    | Places.                  | Times.                                                                                                           |
|--------------|--------------------------|------------------------------------------------------------------------------------------------------------------|
| LEAVENWORTH, | <i>Leavenworth City,</i> | Monday, February 7th;<br>Monday, May 2d;<br>Monday, September<br>5th; and Monday,<br>November 14th. ( <i>b</i> ) |

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*b.*—Sec. 1, Chap. 36, laws of 1893.

| Counties.                 | Places.               | Times.                                                                    |
|---------------------------|-----------------------|---------------------------------------------------------------------------|
| SECOND JUDICIAL DISTRICT. |                       |                                                                           |
| ATCHISON,                 | <i>Atchison City,</i> | Monday, March 7th;<br>Monday June 13th;<br>and Monday, November 14th. (c) |
| BROWN,                    | <i>Hiawatha,</i>      | Monday, April 11th;<br>and Monday, Oct. 3d.                               |
| DONIPHAN,                 | <i>Troy,</i>          | Monday, March 28th;<br>Monday, Sept. 12th;<br>and Monday, December 12th.  |
| MARSHALL,                 | <i>Marysville,</i>    | Monday, April 25th;<br>and Monday, October 17th.                          |
| NEMAH,                    | <i>Seneca,</i>        | Monday, April 18th;<br>and Monday, October 10th.                          |
| WASHINGTON,               | <i>Washington,</i>    | Monday, May 2d; and<br>Monday, Oct. 24th. (c)                             |

Republic county was attached to Washington, for judicial purposes, by section 2 of chapter 36 of the laws of 1869; but said section is repealed by section 3 of the act of February, 1870, (ante page—,) and no provision is made for courts to be held in or for Republic county.

c.—Sec. 1 of act of February —, 1870, (ante page—.)

#### THIRD JUDICIAL DISTRICT.

|          |                |                                                  |
|----------|----------------|--------------------------------------------------|
| JACKSON, | <i>Holton,</i> | Monday, April 18th;<br>and Monday, October 10th. |
|----------|----------------|--------------------------------------------------|

| Counties.    | Places.            | Times.                                                               |
|--------------|--------------------|----------------------------------------------------------------------|
| JEFFERSON,   | <i>Oskaloosa,</i>  | Monday, February 14th;<br>Monday, May 9th; and<br>Monday, Nov. 14th. |
| SHAWNEE,     | <i>Topeka,</i>     | Monday, June 6th; and<br>Monday, Dec. 5th.                           |
| PATAWATOMIE, | <i>Louisville,</i> | Monday, February 28th;<br>and Monday, August<br>22d.                 |
| WABAUNSEE,   | <i>Alma,</i>       | Monday, Sept. 12th. ( <i>d</i> )                                     |

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d.—Sec. 3, Chap. 36, laws of 1889.

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FOURTH JUDICIAL DISTRICT.

|           |                  |                                                                                 |
|-----------|------------------|---------------------------------------------------------------------------------|
| ANDERSON, | <i>Garnett,</i>  | Monday, March 14th;<br>and Monday, September<br>12th.                           |
| DOUGLAS,  | <i>Lawrence,</i> | Monday, February 14th;<br>Monday, August 15th;<br>and Monday, November<br>14th. |
| FRANKLIN, | <i>Ottawa,</i>   | Monday, March 28th;<br>and Monday, September<br>26th. ( <i>e</i> )              |

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e.—Sec. 4, Chap. 36, laws of 1889.

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FIFTH JUDICIAL DISTRICT.

|         |                    |                                           |
|---------|--------------------|-------------------------------------------|
| COFFEY, | <i>Burlington,</i> | Monday, May 23d; and<br>Monday, Dec. 5th. |
|---------|--------------------|-------------------------------------------|

## APPENDIX.

| Counties.  | Places.               | Times.                                                    |
|------------|-----------------------|-----------------------------------------------------------|
| GREENWOOD, | <i>Eureka,</i>        | Monday, May 9th; and<br>Monday, Nov. 7th.                 |
| LYON,      | <i>Emporia,</i>       | Monday, March 7th; and<br>Monday, Sept. 12th.             |
| MORRIS,    | <i>Council Grove,</i> | Monday, April 4th; and<br>Monday, Nov. 21st.              |
| OSAGE,     | <i>Burlingame,</i>    | Monday, March 21st;<br>and Monday, Octo-<br>ber 10th. (f) |

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f.—Sec. 5, Chap. 36, laws of 1893.

## SIXTH JUDICIAL DISTRICT.

|          |                    |                                                                                                     |
|----------|--------------------|-----------------------------------------------------------------------------------------------------|
| BOURBON, | <i>Fort Scott</i>  | Monday, March 21st;<br>Monday, June 13th;<br>Monday, Sept. 12th;<br>and Monday, Decem-<br>ber 12th. |
| LINN,    | <i>Mound City,</i> | Monday, April 4th;<br>Monday, August 15th;<br>and Monday, Novem-<br>ber 21st. (g)                   |

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g.—Sec. 1, of act of March 2, 1870, (ante page—.)

## SEVENTH JUDICIAL DISTRICT.

|        |              |                                                         |
|--------|--------------|---------------------------------------------------------|
| ALLEN, | <i>Iola,</i> | Monday, March 28th;<br>and Monday, Septem-<br>ber 26th. |
|--------|--------------|---------------------------------------------------------|

| Counties. | Places.              | Times.                                                          |
|-----------|----------------------|-----------------------------------------------------------------|
| NEOSHO,   | <i>Mission,</i>      | Monday, April 11th; and<br>Monday, October 10th.                |
| WILSON,   | <i>Fredonia,</i>     | Monday, May 9th; and<br>Monday, Nov. 7th.                       |
| WOODSON,  | <i>Neosho Falls,</i> | Monday, May 16th; and<br>Monday, November<br>14th. ( <i>h</i> ) |

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*h.*—Sec. 7, Chap. 36, laws of 1892.

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EIGHT JUDICIAL DISTRICT.

|            |                       |                                                                            |
|------------|-----------------------|----------------------------------------------------------------------------|
| CLAY,      | <i>Clay Centre,</i>   | Monday, May 9th; and<br>Monday, October<br>24th. ( <i>i</i> ) ( <i>k</i> ) |
| CLOUD,     | <i>Clyde</i>          | Monday, May 16th; and<br>Monday, Nov. 14th. ( <i>k</i> )                   |
| DAVIS,     | <i>Junction City,</i> | Monday, March 21st;<br>and Monday, Septem-<br>ber 12th. ( <i>i</i> )       |
| DICKINSON, | <i>Abilene,</i>       | Monday, April 25th. ( <i>k</i> )                                           |
| ELLIS,     | <i>Hays City,</i>     | Monday, April 18th;<br>and Monday, October<br>10th. ( <i>i</i> )           |
| ELLSWORTH, | <i>Ellsworth,</i>     | Monday, April 11th;<br>and Monday, October<br>8d. ( <i>i</i> )             |
| OTTAWA,    | <i>Lindsay,</i>       | Monday, Oct. 17th. ( <i>k</i> )                                            |
| RILEY,     | <i>Manhattan,</i>     | Monday, March 14th;<br>and Monday, Septem-<br>ber 5th. ( <i>k</i> )        |

| Counties. | Places.        | Times.                                        |
|-----------|----------------|-----------------------------------------------|
| SALINE,   | <i>Salina,</i> | Monday, April 4th; and<br>Monday, Sept. 26th. |

The county of Jewell is attached to Clay for judicial purposes. (*l*)

The counties of Graham, Ness, Rush, Rooks and Trego, are attached to Ellis for judicial purposes. (*l*)

The counties of Benton, Rice and Russell, (*l*) and Pratt and Stafford, (*m*) are attached to Ellsworth for judicial purposes.

The counties of Mitchell, Osborne and Smith, are attached to Ottawa for judicial purposes. (*l*)

The counties of Lincoln (*l*) and McPherson (*m*) are attached to Saline for judicial purposes.

i.—Sec. 1 of act of Feb. 15, 1870, (ante page —)

k.—Sec. 1 of act of Feb. 22, 1868, (general statutes, page 310.)

l.—Sec. 2 of act of Feb. 22, 1868, (general statutes, page 310.)

m.—Sec. 8 of chapter 36, laws of 1869.

#### NINTH JUDICIAL DISTRICT.

|         |                          |                                                          |
|---------|--------------------------|----------------------------------------------------------|
| BUTLER, | <i>Eldorado,</i>         | Monday, May 2d; and<br>Monday, Sept. 26th.               |
| CHASE,  | <i>Cottonwood Falls,</i> | Monday, April 18th;<br>and Monday, Sept.<br>5th.         |
| MARION, | <i>Marion Center,</i>    | Monday, May 16th; and<br>Monday, Oct. 10th. ( <i>n</i> ) |

Cowley, Hays, Reno, Sedgwick and Sumner, are attached to Butler for judicial purposes, until organized; but in each of said counties, when organized, "terms of court shall be held at such time and places as the judge of said ninth district may order." (*n*)

n.—Sec. 8 of chapter 36, laws of 1869.



| Counties.                | Places.          | Times.                                                                    |
|--------------------------|------------------|---------------------------------------------------------------------------|
| TENTH JUDICIAL DISTRICT. |                  |                                                                           |
| JOHNSON,                 | <i>Olathe,</i>   | Monday, April 5th;<br>Monday, August 1st;<br>Monday, Nov. 7th.            |
| MIAMI,                   | <i>Paola,</i>    | Monday, May 2d; Monday,<br>Sept. 5th; and<br>Monday, Dec. 5th.            |
| WYANDOTT,                | <i>Wyandott,</i> | Monday, March 7th;<br>Monday, June 6th;<br>and Monday, October<br>3d. (o) |

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o.—Sec. 1 of act of January 26, 1870, (ante page —.)

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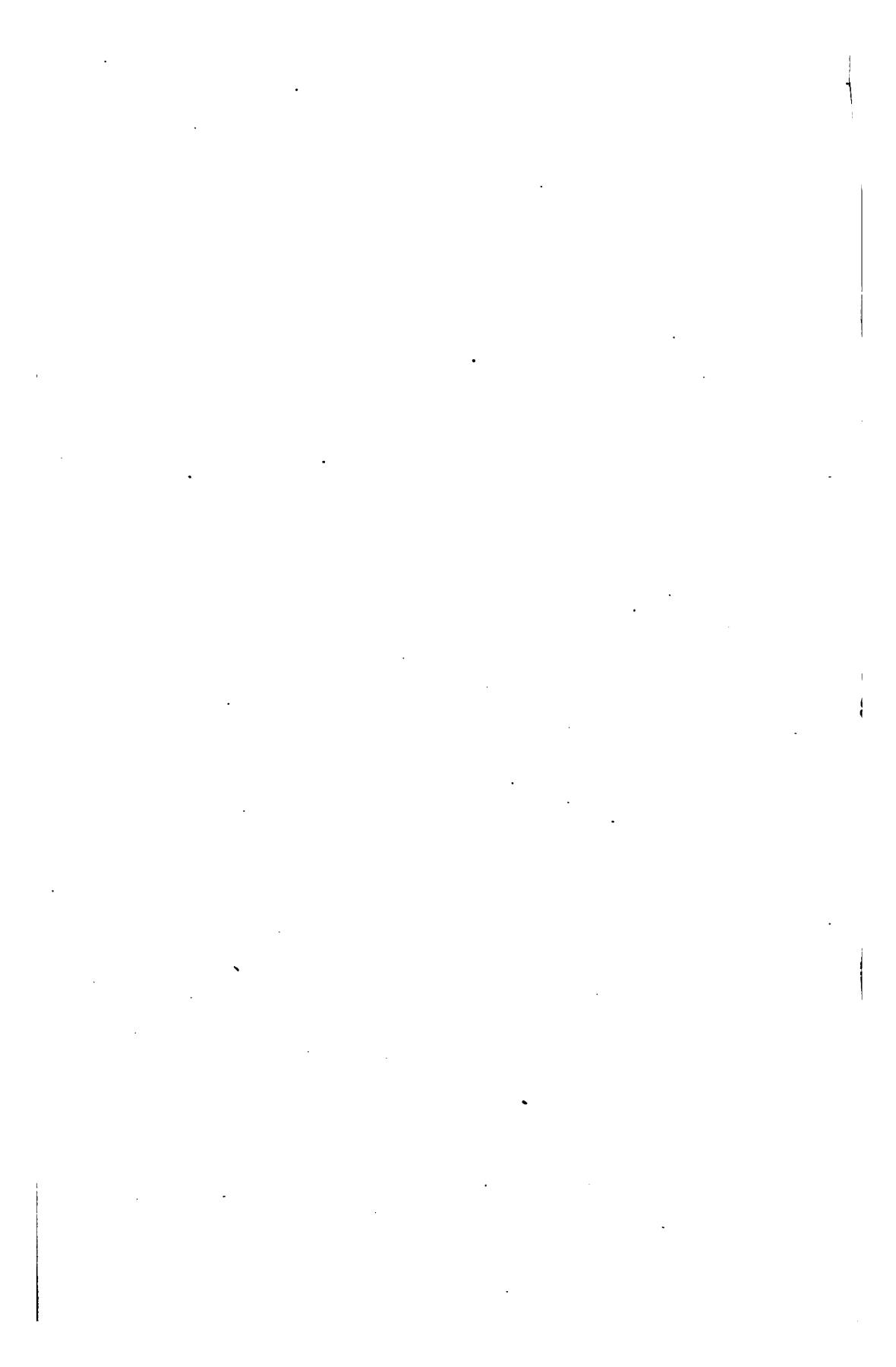
## ELEVENTH JUDICIAL DISTRICT.

|             |                        |                                                |
|-------------|------------------------|------------------------------------------------|
| CRAWFORD,   | <i>Girard,</i>         | Monday, April 4th; and<br>Monday, Sept. 19th.  |
| CHEROKEE,   | <i>Columbus,</i>       | Monday, April 11th;<br>Monday, October 3d.     |
| LABETTE,    | <i>Oswego,</i>         | Monday, April 25th;<br>and Monday, Oct. 17.    |
| MONTGOMERY, | <i>Verdigris City,</i> | Monday, May 9th; and<br>Monday, Oct. 31st. (p) |

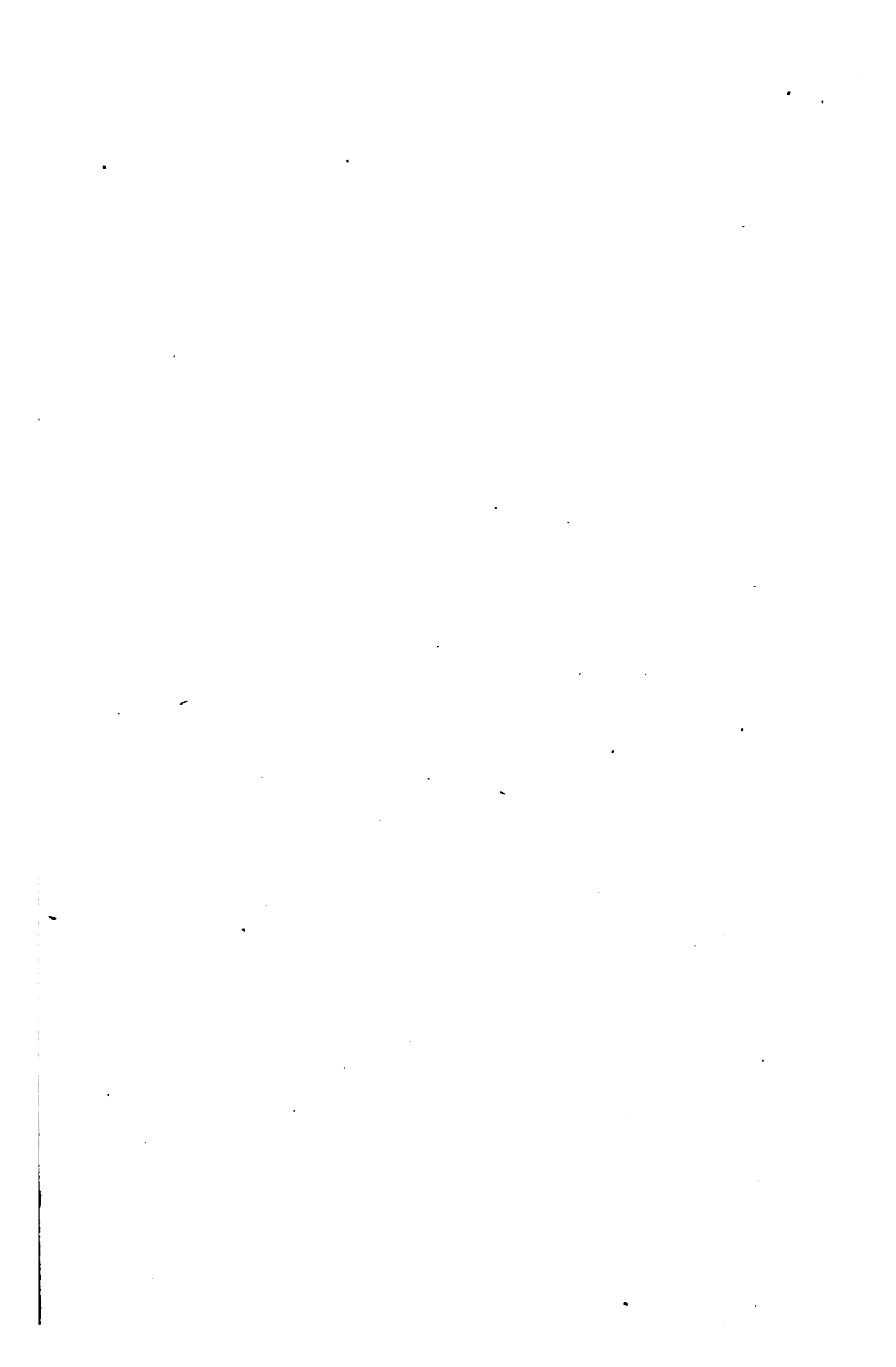
Howard county is attached to Montgomery for judicial purposes.

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p.—Act of March 2, 1870, (ante page —)







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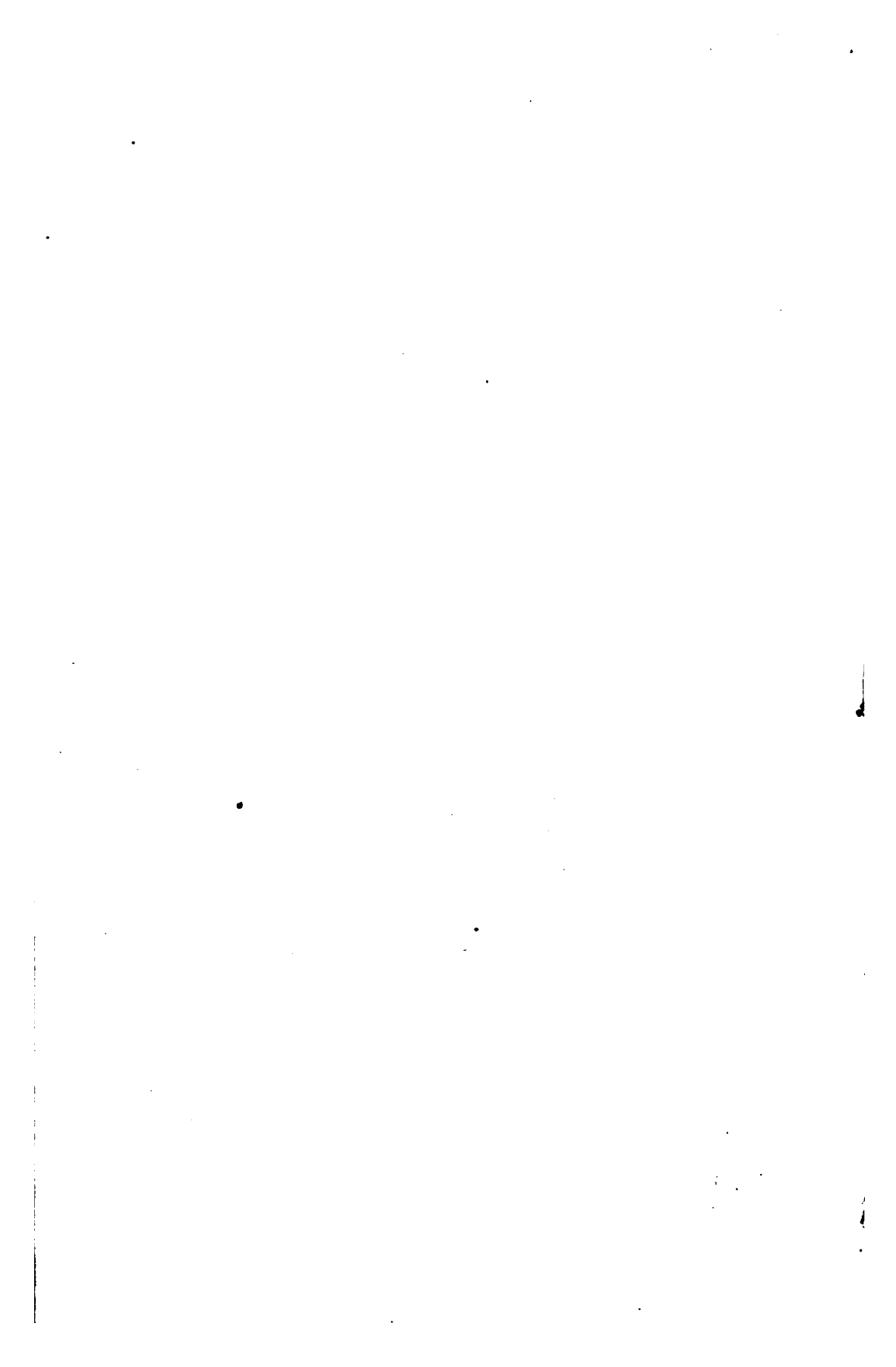
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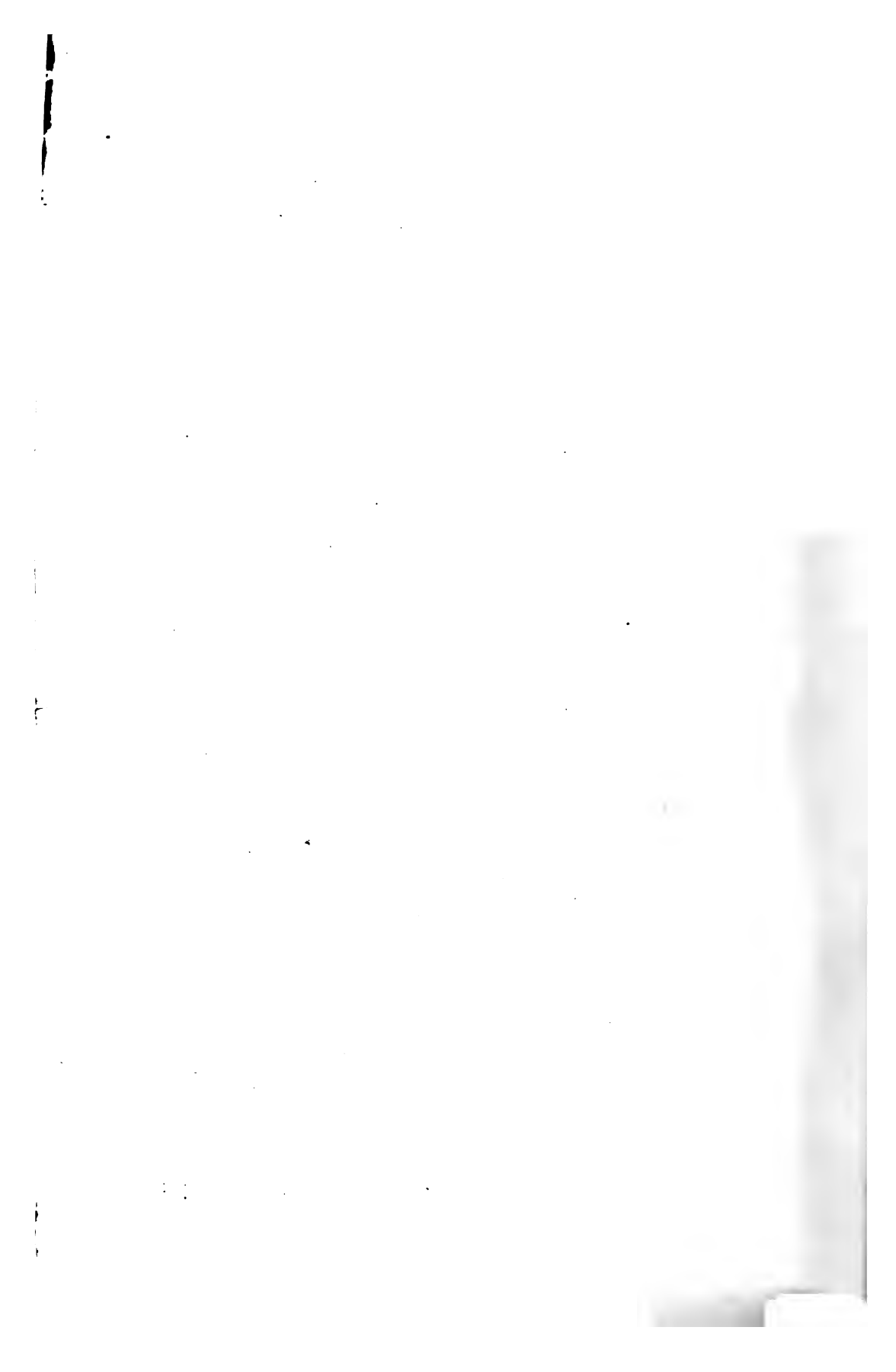
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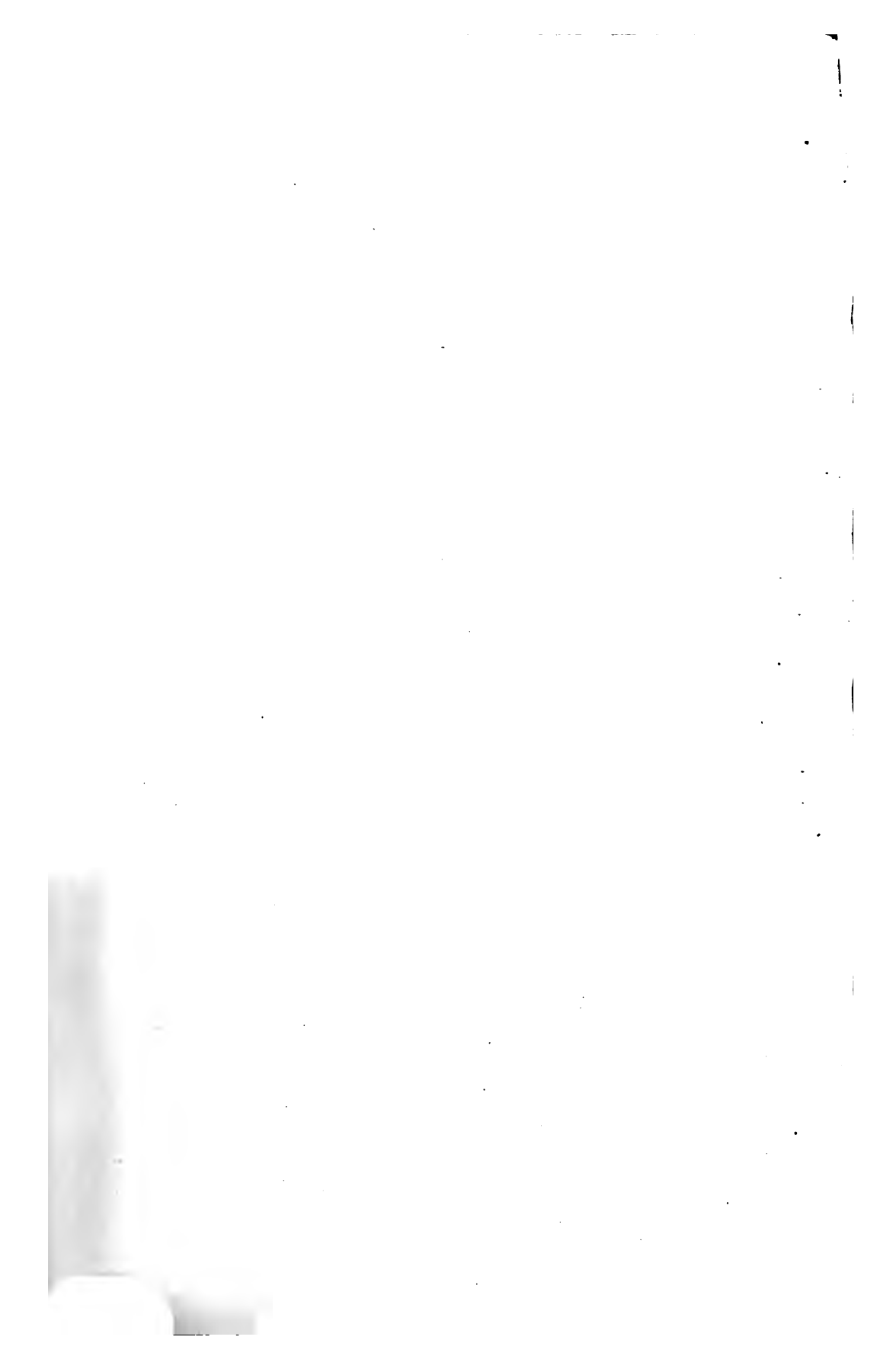
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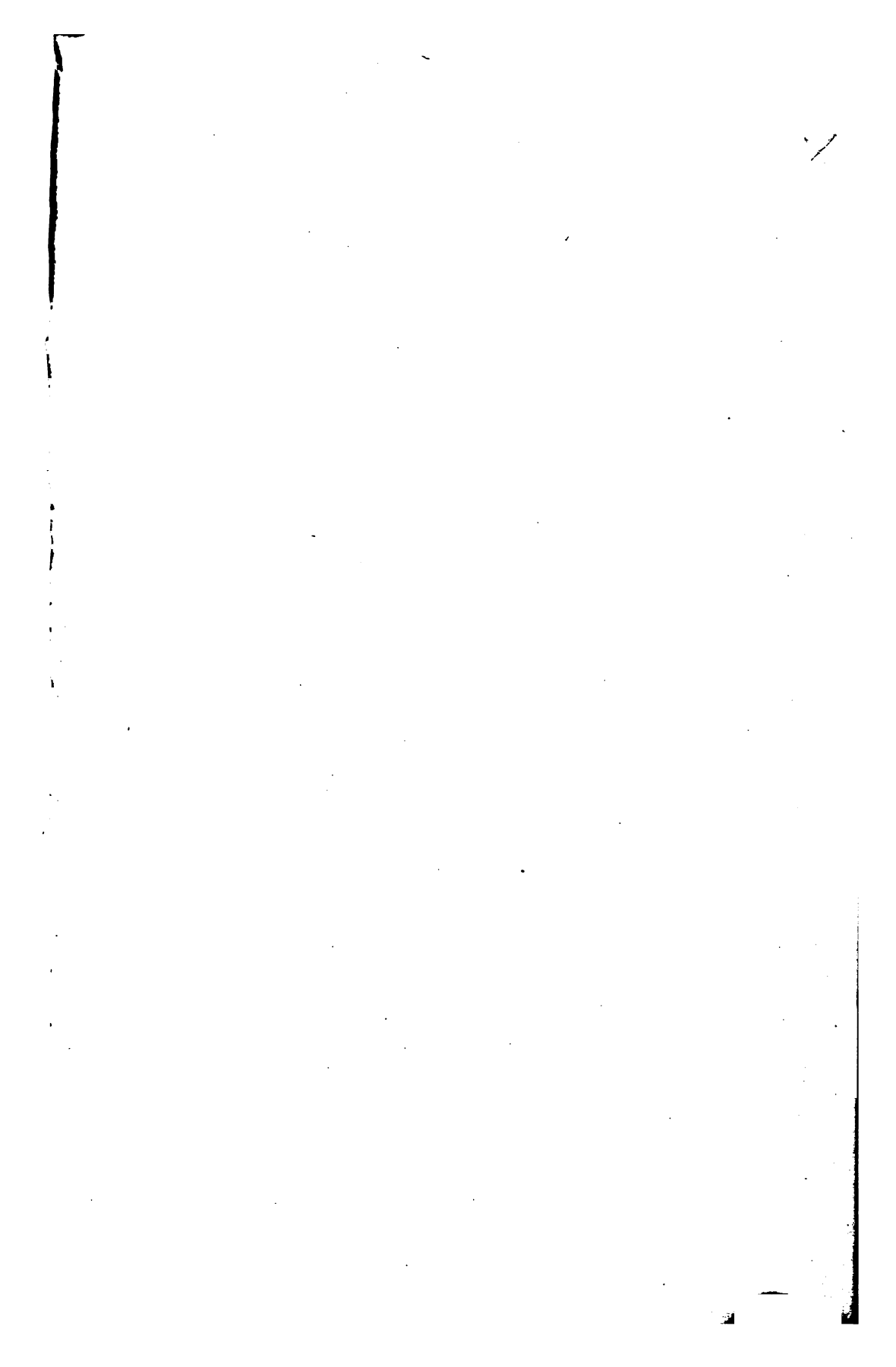
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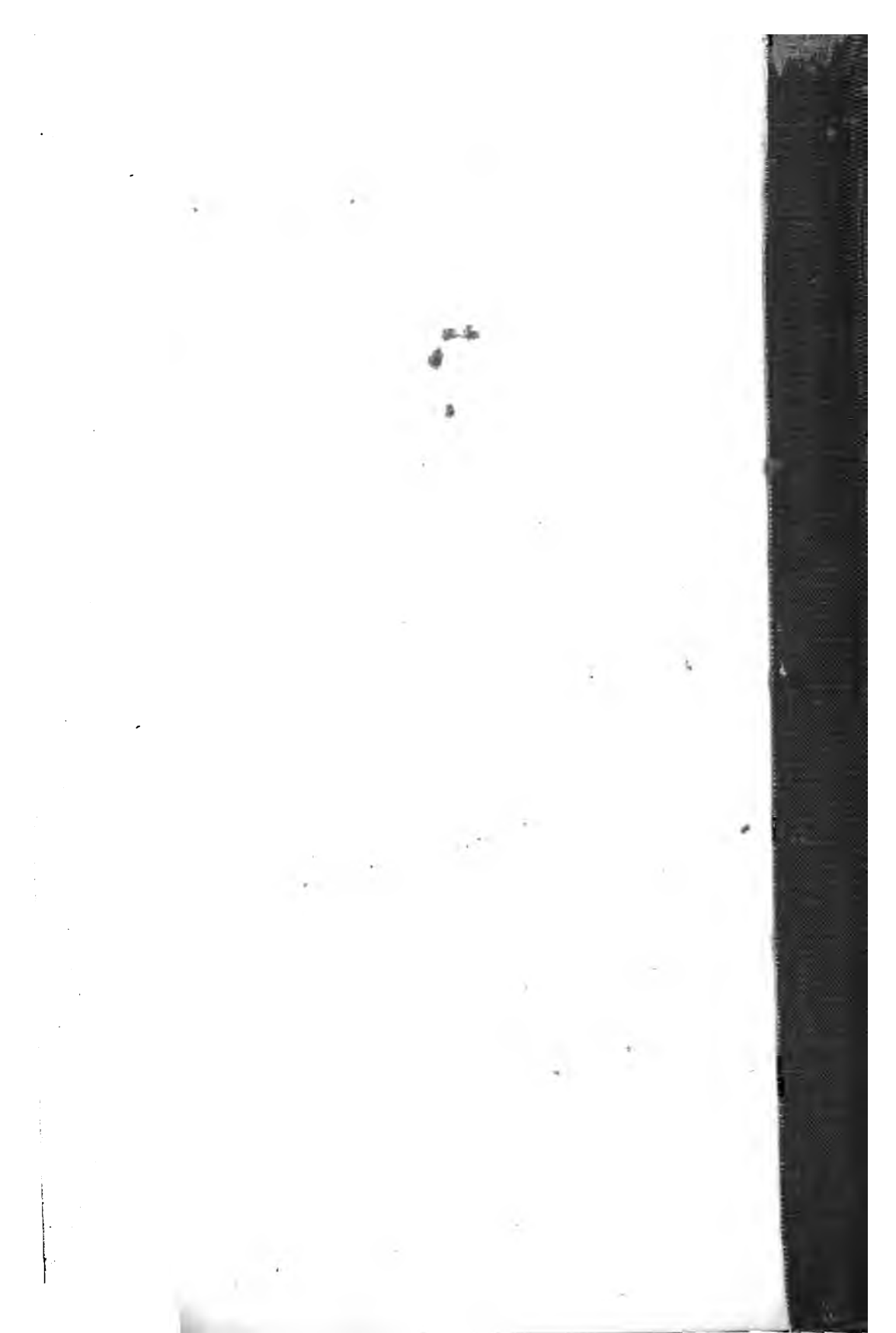
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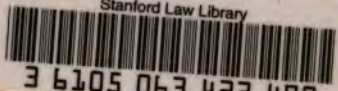






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